فمن تطوع خيرا فهو خير له

# فقه السنة

## كتاب العبادات

# FIQH us-SUNNAH

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As-Sayyid Sabiq

## Volume 1

### Fiqh 1.1: Purification

The shari'ah has divided water into four kinds:

1 mutlaq water,

2 used water (for purification),

3 water mixed with pure elements and

4 water mixed with impure elements. We shall discuss each of them separately.

### Fiqh 1.1 a: Mutlaq water

This kind of water is considered pure because of its inherent purity and as such, it can be used by an individual to purify him or herself. It consists of the following categories:

### Fiqh 1.1 b: Rain water, snow, and hail

These substances are pure because Allah says so: "And sent down water from the sky upon you, that thereby He might purify you..." (al-Anfal 1), and "We send down purifying water from the sky" (al-Furqan 48). This is also supported by the following hadith: Abu Hurairah reported that the Messenger of Allah, upon whom be peace, used to be silent between the (opening) takbir of the prayer and the verbal Qur'anic recitation. Abu Hurairah asked him, "O Messenger of Allah, may my father and mother be sacrificed for you, why do you remain silent between the takbir and the recital? What do you say (silently during that time)?" He said, "I say, 'O Allah, make a distance between me and my sins similar to the distance you have made between the East and the West. O Allah, cleanse me of my sins in the manner that a white garment (is cleansed) from dirt. O Allah, wash my sins from me with snow, water, and hail."' This hadith is related by the "group", except for at-Tirmizhi.

### Fiqh 1.2: Sea water

Sea water's purity is based on the following hadith: Abu Hurairah related that a man asked the Messenger of Allah, upon whom be peace, "O Messenger of Allah, we sail on the ocean and we carry only a little water. If we use it for ablution, we will have to go thirsty. May we use sea water for ablution?" Said the Messenger of Allah, upon whom be peace, "Its (the sea) water is pure and its dead (animals) are lawful (i.e., they can be eaten without any prescribed slaughtering)." This hadith is related by "the five." At-Tirmizhi calls it hassan sahih, and al-Bukhari says it is sahih.

### Fiqh 1.2 a: Water from the well of Zamzam

'Ali narrated that the Messenger of Allah, upon whom be peace, called for a bucket that contained water from the well of Zamzam. He drank from the bucket, then made ablution (with its water). This hadith is related by Ahmad.

### Fiqh 1.2 b: Altered water

This involves water whose form has been altered because of its being in a place for a long period of time, or because of the place in which it is located, or because of its being mixed with a substance that cannot be completely removed from it (i.e., water mixed with algae, tree leaves, and so on). The scholars agree that this type of water falls under the heading of mutlaq water.

The rationale is simple: everything that falls under the general term of water, without any further qualifications, is considered pure, for the Qur'an says, "...and if you find not water, then go to clean, high ground..." (al-Ma'idah 6).

### Fiqh 1.2 c: Used water

This category refers to water which drips from the person after he performs ablution or ghusl. It is considered pure because it was pure before its use for ablution, and there is no basis to think that it has lost its purity. This statement is supported by the hadith of Rab'i bint Mu'wazh which describes the ablution of the Messenger of Allah. She states, "He wiped his head with (the water) remaining on his hands from his ablution." This hadith is related by Ahmad and Abu Dawud. Abu Dawud's version is, "The Messenger of Allah, upon whom be peace, wiped his head with the extra water that was in his hand." Abu Hurairah also reported that the Messenger of Allah met him alone in the streets of Madinah while he was in post-sex impurity. He therefore slipped away, made ghusl and returned. The Messenger of Allah, upon whom be peace, asked him "Where have you been, Abu Hurairah?" He answered, "I was in post-sex impurity and did not want to sit with you while I was in that condition." The Prophet replied, "Glory be to Allah. The believer does not become impure." This is related by "the group."

This is based on the rationale that since a believer never becomes impure, the water he uses for purification also does not become impure. Thus, a pure object touching a pure object cannot result in one's becoming impure. Ibn al-Munzhir said that it is related that 'Ali, Ibn 'Umar, Abu Umamah, 'Ata, al-Hassan, Makhul and anNakha'i said that if a person forgot to wipe his head while making ablution, it is sufficient for him to wipe his head with any water remaining in his beard. Ibn al-Munzhir stated that this proves that they took "used water" as pure. This opinion comes from one of the narrations attributed to Malik and ash-Shaf'i. Ibn Hazm ascribes it to Sufyan al-Thauri, Abu Thaur, and all scholars of the Zhahiri school of thought.

### Fiqh 1.3: Water mixed with pure elements

This category includes water that has been mixed with substances like soap, saffron, flowers, and so on, that is, objects considered pure by the shari'ah. Such water is considered pure as long as it has not been so mixed with other substances that one can no longer call it water. If this is the case, the water is still considered pure, but it cannot be used for purification. Umm 'Atiyah narrated that the Messenger of Allah, upon whom be peace, entered her house after the death of his daughter Zainab and said, "Wash her three or five or more times--if you see fit to do so--with water and dry tree leaves. For the final washing, use some kafoor or something from kafoor. When you are finished, inform me." She did so, after which he gave the women his outer garment and told them to wrap Zainab in it. This was related by "the group."

The deceased should be washed with something that may purify a live person. Ahmad, an-Nasa'i and Ibn Khuzaimah record from Umm Hani that the Messenager of Allah and Maimunah washed themselves from one (water) container that had a trace of dough in it. In both of these hadith, we find that the water was mixed with another substance, but since the other substance was not substantial enough to alter its nature, it remained fit for consumption.

### Fiqh 1.3 a: Water mixed with impure elements

We can divide this category into two sub-categories:

1 The impure substance alters the taste, color or odor of the water. In this case, it can not be used for purification. According to Ibn al-Munzhir and Ibn al-Mulaqqin, there is a consensus on this point.

2 The liquid is still considered water, meaning that the impure substance has not altered its taste, color or odor. Such water is considered pure and may be used for purification. This is based upon the following hadith: Abu Hurairah reported that a bedouin urinated in the mosque. The people stood to get him (and stop him). The Prophet said, "Leave him and pour a bucket of water or a container of water

over his urine. You have been raised to be easy on the people, not to be hard on them." This hadith is narrated by "the group," except for Muslim.

Abu Sa'eed al-Khudri asked the Prophet, "Can we make ablution from the well of Buda'ah (i.e., a well in Madinah)?" The Prophet, upon whom be peace, told him, "Water is pure and nothing makes it impure."

This hadith is related by Ahmad, ash-Shaf'i, Abu Dawud, anNasa'i and at-Tirmizhi, who classified it as hassan. Ahmad said, "This hadith is sahih and Yahya ibn Ma'een and Muhammad ibn Hazm classified it as such." This is also the opinion of Ibn 'Abbas, Abu Hurairah, al-Hassan al-Basri, Ibn al-Musayyab, 'Ikrimah, Ibn Abu Laila, al-Thauri, Dawud azh-Zhahiri, an-Nakha'i, Malik and others. Says al-Ghazzali, "I wish ash-Shaf'i's opinion was like Malik's."

There is also a hadith from 'Abdullah ibn 'Umar in which the Messenger of Allah is reported to have said, "If there are at least two buckets of water, it will not carry any impurity." This hadith is related by the "five." However, this hadith is muzhtarab in its chain of narrators and text. Ibn 'Abdul-Barr said in at-Tamheed, "As to the opinion of ash-Shaf'i which is based on this hadith, it is weak on scrutiny and is not confirmed by historical reports."

## Fiqh 1.4: Leftover water

"Leftover water" is what remains in a pot after some has been drunk. There are five different types of leftover water.

### Fiqh 1.4 a: Water leftover after people have drunk from the pot

According to the shari'ah, such water is considered pure regardless of whether the one who drank from the pot was a Muslim, an unbeliever, a person in post-sex impurity or a menstruating woman.

Although Allah says in the Qur'an, "Verily, the idol worshippers are impure" (at-Taubah) this is a reference not to their physical state, but to their false beliefs and creed. They may come into contact with dirt or impurities, but this does not mean that their possessions or bodies are impure. In fact, they used to mix with the Muslims. Their emmissaries and delegations used to visit the Messenger of Allah and enter his mosque. The Prophet, upon whom be peace, did not order that the objects they touched be cleansed. As for mensturating women, 'Aishah said, "I used to drink (from a container) while I was menstruating. I would then pass it to the Messenger of Allah and he would drink from the same spot where I had put my lips." (Related by Muslim.)

## Fiqh 1.5: Water left in a container after an allowable animal has drunk from it

Such water is considered pure. Since the animal qualifies for consumption, its saliva is also pure. Abu Bakr ibn al-Munzhir said, "The scholars are agreed that such water is permissible to drink or use for ablution."

### Fiqh 1.5 a: Water remaining in a pot after it has been drunk by a donkey, mule, beasts of birds of prey

Such water is also considered pure, based on the hadith of Jabir in which the Messenger of Allah was asked about making ablution with drinking water left by donkeys. The Prophet, upon whom be peace, answered, "Yes, and from the drinking water left by any of the beasts of prey." This hadith was related by ash-Shaifi, ad-Daraqutni and al-Baihaqi who said, "When its different chains are put together they become strong." It has also been related from Ibn 'Umar that the Messenger of Allah went out at night while he was on a journey. He passed by a man who was sitting by a pond. Said 'Umar, "Did a beast of prey drink from your pond tonight?" The Messenger of Allah told him, "O owner of the pond, do not inform him. It is not necessary, for him (the beast of prey) is what he carried in his stomach and for us is what he left, water to be used for drinking and purifying." This is related by ad-Daraqutni. Yahya ibn Sa'eed reported that once 'Umar was among a group that included 'Amr ibn al-'Aas and, when they

came upon a pond, 'Amr said, "O owner of the pond, have the beasts of prey discovered your pond?" 'Umar said, "Do not inform us, since the people drink after the wild beasts and the wild beasts after the people." This is related by Malik in al-Muwatta.

### Fiqh 1.6: Water left in a pot after a cat has drunk from it

Such water is also considered pure. This is proven by the hadith of Kabshah bint Ka'b who, when she was under the care of Abu Qatadah, entered the room to pour some water for him. A cat came, drank some of the water, and Qatadah proceeded to tilt the container so the cat could drink more. Kabshah said, "He noticed that I was watching him." He asked, "Are you surprised, O niece?" I answered, "Yes." He said, "The Messenger of Allah, upon whom be peace, said, 'It (the cat) is not impure. They intermingle with you."'

### Fiqh 1.6 a: Water left in a pot after a pig or dog has drunk from it

Such water is considered impure and must be avoided. Al-Bukhari and Muslim have recorded, on the authority of Abu Hurairah, that the messenger of Allah said, "If a dog drinks from one of your containers, wash it seven times." Ahmad and Muslim also have this addition, "Cleanse one of your containers if a dog licks it by washing it seven times, the first washing being with dirt." As for the leftover water of a pig, it is clearly considered filth and impure.

### Fiqh 1.6 b: Types of impurities

Najasah refers to impure substances that the Muslim must avoid and wash off if they should happen to contaminate his clothes, body and so on. Says Allah in the Qur'an, "Purify your raiment" (alMudathar 4); and, "Allah loves those who repent and who purify themselves" (al-Baqarah 222). The Messenger of Allah also said, "Purity is half of the faith."

### Fiqh 1.6 c: Dead animals

This refers to animals which die from "natural causes," that is, without the proper Islamic way of slaughtering. It also includes anything that is cut off of a live animal. Abu Waqid al-Laithy reported that the Prophet, upon whom be peace, said, "What is cut off of a live animal is considered dead," i.e., it is considered like an animal that has not been properly slaughtered. This is related by Abu Dawud and by at-Tirmizhi, who classifies it as hassan and says that the scholars act according to this hadith.

### Fiqh 1.7: Dead animals of the sea and dead locusts

Ibn 'Umar reported that the Messenger of Allah said, "Two types of dead animals and two types of blood have been made lawful for us. The types of dead animals are seafood and locusts. The two types of blood are the (blood of the) liver and the spleen."

This is related by Ahmad, ash-Shaf'i, al-Baihaqi and adDaraqutni. The hadith is weak, but Imam Ahmad says that it is authentic in mauqoof form. Abu Zar'ah and Abu Hatim have said the same. Such a report has the implication of a marfu' hadith because a companion saying, "This was allowed for us" or "This was forbidden for us" is like one of them saying, "We were ordered to do this," or "We were forbidden to do this," and so on. (Such statements are considered marfu' with respect to their regulations). And we have already mentioned the Prophet's statement concerning the ocean, "Its water is pure and its 'dead animals' are allowable (to eat.)."

### Fiqh 1.7 a: Dead animals that have no running blood

(That is) bees, ants, and so on. They are considered pure. If they fall into some substance and die, the substance will not become impure. Ibn al-Munzhir said, "I do not know of any disagreement concerning the purity of such water save what has been related from ash-Shaf'i. It is well-known that he views

them as being impure. Nevertheless, it does not bother him if the object falling into a substance does not alter it (in any way)."

### Fiqh 1.7 b: Bones, horns, claws, fur, feathers, and skin and so on of dead animals

All of these are considered pure. Concerning the bones of dead animals, az-Zuhri said, "I have met some scholars of the preceeding generations who used such objects for combs and pots for oil, and they did not see anything wrong in that." This is related by al-Bukhari. Said Ibn 'Abbas, "The client of Maimunah was given a sheep as charity, and it died. The Messenger of Allah, upon whom be peace, passed by it and said, 'Why do you not remove its skin, treat it and put it to use?' She said, 'It is dead' (i.e., it has not been slaughtered properly). He said to her, 'Only eating it is forbidden."' This is related by the group. Ibn Majah attributes the incident to Maimunah and her client. Al-Bukhari and an-Nasa'i do not mention treating the skin. It is reported from Ibn 'Abbas that he recited: "Say (O Muhammad): "In all that has been revealed to me, I do not find anything forbidden to eat; if one wants to eat thereof, unless it be carrion, or blood poured forth, or swine flesh..." (al-An'am 145). Then he said, "What is forbidden is its meat. As for its skin, skin used for waterskins, teeth, bones, fur and wool, they are permissible." This is narrated by Ibn Munzhir and Ibn Hatim. Similarly, its rennet and milk are considered pure. This is supported by the fact that when the companions conquered Iraq, they ate the cheese of the Magians which was made from rennet, although their slaughtered animals were considered the same as 'dead animals.' It is confirmed from Salman al-Farsi that when he was asked about cheese, clarified butter and pelts, he said, "What is permissible is what Allah made permissible in His book. What is forbidden is what Allah made forbidden in His book. What he omits, He has pardoned for you." It is well-known that he was being asked about the cheese of the Magians, as Salman was 'Umar's deputy in Mada'in, Iraq.

### Fiqh 1.8: Blood

This includes blood that pours forth from an animal's body, such as blood from a slaughtered animal, or from menstruation, except for what small amounts are overlooked. Ibn Juraij said about the Qur'anic verse "...or blood poured forth..." (al-An'am 145), that this is the blood that flows out. The blood that does not flow out, but remains in the veins, is permissible. This is related by Ibn al-Munzhir. And it is also related from Abu Majlizn in his discourse on blood that he was asked, "What about the blood that remains in the slaughtered sheep or at the top of the cooking pot?" He answered, "There is no problem with it. What is forbidden is the blood that flows out (of the animal at the time of slaughtering)." This was recorded by 'Abd ibn Hameed and by Abu ash-Shaikh. It is also related from 'Aishah that she said, "We used to eat the meat when the blood was streaking the pot." Al-Hassan said, "The Muslims always prayed, even while they were bleeding." This was mentioned by al-Bukhari. It is confirmed that 'Umar prayed while his wound was bleeding. Elucidating the point, Ibn Hajr says in Fath al-Bari (a commentary on Sahih al-Bukhari): "Abu Hurairah did not see anything wrong in a drop or two of blood during the prayers. Based on this report from Abu Hurairah, the blood of a flee or the blood that comes from a pimple are to be overlooked. Abu Majlizn was asked about pus that gets on the body or the clothes. He said, 'There is nothing wrong with them. Allah mentions only the blood, not the pus."'

Commenting on the subject, Ibn Taimiyyah says, "It is obligatory to clean the clothes from pus, purulent matter or similar fluids." He also says, "There is no proof concerning its impurity." It is preferred for the person to avoid contact as much as possible with these substances.

### Fiqh 1.9: Pig's meat

According to the verse (al-An'am 145) quoted earlier, items mentioned therein are impure. The pronoun 'they' refers to all three of the mentioned items. It is, however, allowed to knit with the hair of a pig according to most of the scholars.

### Fiqh 1.9 a: Vomiting of a person, urine, and excrement

There is agreement among the scholars that these objects are impure. But, a slight amount of vomit (commonly understood as a small amount of liquid) and the urine of an unweaned male baby are

overlooked and pardoned. It is sufficient just to sprinkle water over the urine of an unweaned male baby. This is based on the hadith of Umm Qais. She came to the Messenger of Allah with her unweaned son. After a while, the baby urinated in the Prophet's lap. The Prophet, upon whom be peace, called for some water, which he sprinkled over his clothes, and did not give them a complete washing. This is related by al-Bukhari and Muslim.

'Ali narrated that the Messenger of Allah said, "The urine of a baby boy should have water sprinkled upon it. The urine of a baby girl is to be washed off." Says Qatadah, "This refers to a male baby that has not yet begun to eat. If he already eats, then the garment is to be washed."

This hadith is related by Ahmad, Abu Dawud, at-Tirmizhi and Ibn Majah. In al-Fath, Ibn Hajr says its chain is sahih.

Sprinkling is sufficient as long as the boy is still nursing. If he eats solid food, his urine must be washed from the clothes and body. There is no disagreement on this latter point. Perhaps the reason for this exemption to the male baby's urine is that people have a tendency to carry their male babies around, and it would have been difficult to clean the clothes after their frequent urinations.

### Fiqh 1.10: Al-Wadi

Wadi is a thick white secretion discharged (by some people) after urination. It is considered impure. 'Aishah said, " Wadi comes out after urination. The person should wash the private parts and perform ablution. It is not necessary to perform ghusl. This is related by Ibn al-Munzhir. Ibn 'Abbas related that "mani (sperm) requires ghusl. As for mazhi (semen) and wadi they require a complete purification." This is related by al-Athram. Al-Baihaqi has it with the wording, "Concerning mazhi (prostatic fluid) and wadi, he said, 'Wash your sexual organs and perform the same type of ablution as you perform for prayer."'

### Fiqh 1.10 a: Al-Mazhi or prostatic fluid

This is a white sticky fluid that flows from the sexual organs because of thinking about sexual intercourse or foreplay, and so on. The person is usually not aware of when exactly it is secreted. It comes from both the male and the female sexual organs, although the amount from the latter is usually more than the former's. Scholars are agreed that it is impure. If it gets on the body, it is obligatory to wash it off. If it gets on the clothes, it suffices to sprinkle the area with water, as it is very hard to be completely protected from this impurity, especially for the young, single person. 'Ali said, "I used to excrete mazhi, so I asked a man to ask the Messenger of Allah, upon whom be peace, about it. I was shy to do so because of my position with respect to his daughter ('Ali was the Prophet's son-in-law). He said, 'Make ablution and wash your penis." This is related by al-Bukhari and others. Sahl ibn Hanif said, "I used to suffer from excessive amounts of mazhi. I used to make lots of ghusl because of it. So I mentioned this to the Messenger of Allah, upon whom be peace, and he said, 'It is sufficient to take a handful of water and sprinkle it over your clothes wherever the fluid appears."

The hadith is related by Abu Dawud, Ibn Majah, and at-Tirmizhi. The latter says, "The hadith is hassan sahih. In the chain is Muhammad ibn Ishaq, who is considered weak when he relates in mu'an'an (handed-down) form because of his reputation as one who commited tadlis. But in this narration, he makes it clear that he heard the hadith directly." Al-Athram narrated the same hadith with the wording, "I was bothered by a great deal of mazhi, so I went to the Prophet, upon whom be peace, and informed him of this. He said 'It is sufficient for you to take a handful of water and sprinkle it over (the mazhi)."'

### Fiqh 1.11: Sperm, Al-Mani

Some scholars say that sperm is impure, but apparently it is pure, for it is only recommended to wash it off if it is still wet, and to scratch it off if it is dry. Said 'Aishah, "I used to scratch the sperm off the Messenger of Allah's clothes if it was dry, and wash it off if it was still wet." (This is related by ad-Daraqutni, Abu 'Awanah and al-Bazzar). It is also related that Ibn 'Abbas said, "I asked the Messenger

of Allah about sperm on clothes. He said, 'It is the same as mucus and spittle. It is sufficient to rub the area with a rag or cloth."'

The hadith was related by ad-Daraqutni, al-Baihaqi and atTahawi. There is a difference in the narration over whether it should be in marfu'or mauqoof form.

### Fiqh 1.11 a: The urine and stools of animals that are permissible to eat

Both of these are considered impure. Ibn Mas'ud related that the Messenger of Allah, upon whom be peace, went to answer the call of nature. He asked 'Abdullah ibn Mas'ud to bring three stones. 'Abdullah said, "I could not find three stones, so I found two stones and animal dung and brought them to him. He took the two stones and threw away the dung saying, 'It is impure."'

The hadith is related by al-Bukhari, Ibn Majah, and Ibn Khuzaimah. In one narration it states, "It is impure. It is the stool of a donkey." A little amount of it is pardoned though, as it is very difficult to completely protect one's self from it. Al-Waleed ibn Muslim says, "I said to al-Auza'i, 'What about the urine of animals whose meat is not eaten, like the mule, donkey and horse?' He said that they used to come into contact with these during their battles, and that they did not wash it off their bodies or clothes. As for the urine and stools of animals whose meat is permissible, Malik, Ahmad and a group of the Shaifiyyah says that it is pure. Commenting on the subject, Ibn Taimiyyah says, "None of the companions held that it is impure. In fact, the statement that it is impure is of recent origin and not from the early generations of the companions."

Said Anas, "A group of people from the tribes of Ukul or 'Uraina came to Madinah and became ill in their stomach. The Prophet ordered them to get a milking she-camel and drink a mixture of its milk and urine." This hadith is related by Ahmad, al-Bukhari and Muslim and points to a camel's urine as being pure. Therefore, by analogy, other permissible animals' urine may also be considered pure. Says Ibn al-Munzhir, "Those who claim that that was permissible only for those people are incorrect. Specification is only confirmed by some specific proof." He also says, "The scholars permit, without any objection, the sale of sheep's stools and the use of camel's urine in their medicine, both in the past and in the present, again without any objection. This shows that they are considered pure." Says ash-Shaukani, "Apparently, the urine and stools of every living animal permissible to eat is pure." There is nothing to prove otherwise.

### Fiqh 1.12: Jallalah

Jallalah refers to an animal that eats the waste or flesh of other animals, such as camels, cows, sheep, chickens, geese, and so on. Ibn 'Abbas reported that the Messenger of Allah forbade the drinking of such animals' milk.

This hadith is related by "the five," except for Ibn Majah. At-Tirmizhi grades it as sahih. In one narration it states, "It is also prohibited to ride upon a jallalah. (Related by Abu Dawud.) 'Amr ibn Shu'aib related on the authority of his father, from his grandfather, that the Messenger of Allah prohibited the meat of domestic donkeys. As for the jallalah, he prohibited riding or eating them." (Related by Ahamad, an-Nasa'i and Abu Dawud.) If the jallalah animal is kept away from the other animals for some time and is given clean food to eat, then it becomes pure and is no longer called jallalah. If this is the case, it becomes permissible to eat, as the reason for its prohibition was the change it underwent due to eating filth, a state which would no longer be present.

### Fiqh 1.12 a: Alcohol

According to most scholars, alcohol is impure. Says Allah in the Qur'an, "Alcohol, games of chance, idols and divining arrows are only an infamy of Satan's handiwork." Some scholars say that it is pure, for they take the meaning of rajis in its abstract sense as describing alcohol and whatever is related to it. This is not labeled as impure in a definite, sensory way. Says Allah, "Stay away from the impurities of idols." Idols are impure in the abstract sense, and they are considered impure if one touches them.

The explanation of the preceding verse is that they are a tool of Satan, for they cause enmity and hatred and keep people away from the remembrance of Allah and pra.yer. In Subul as-Salaam it says, "Their origin is pure and their being prohibited does not mean that the object itself is impure. For example, hashish is prohibited but it is pure. But, something impure is not necessarily prohibited. Every impure thing is prohibited, but not vice-versa. That is because of the ruling that something impure cannot be touched under any circumstances. If a ruling says that something is impure, it is also prohibited. This differs from a ruling that something is prohibited. For example, it is forbidden to wear silk and gold, but they are absolutely pure by consensus." If one understands that, then the prohibition of alcohol does not necessarily entail its also being considered impure: it needs some other evidence to prove that it is impure. If not, then we are left with the original position that it is pure. If one claims other than that, he must substantiate it.

## Fiqh 1.13: Purifying the body and clothes

If the clothes or body are contaminated with impurities, it is obligatory to wash them with water until they are cleansed of the impurities. This is especially the case if the impurity is visible, such as blood. If there are some stains that remain after washing which would be extremely difficult to remove, they can be overlooked. If the impurity is not visible, such as urine, it is sufficient to wash it one time. 'Asma bint Abu Bakr related that a woman came to the Prophet, upon whom be peace, and said, "Our clothes are contaminated with menstrual blood. What should we do about this?" He said, "Scrape it, rub it with water, pour water over it and then pray in it." (This is related by al-Bukhari and Muslim) If impurities get on the lower portion of a woman's dress, it is purified by dust as she trails along. A woman said to Umm Salamah, "I have a long dress that drags on the ground, even when I walk through places that contain filth. What should I do about it?" Umm Salamah answered her, "The Messenger of Allah said, 'What comes after it purifies it."' This is related by Ahmad and Abu Dawud.

### Fiqh 1.13 a: Dogs

Dogs are considered impure. Any container that a dog has licked must be washed seven times, the first time with dirt. Abu Hurairah reported that the Messenager of Allah, upon whom be peace, said, "Purifying a container that a dog has licked is done by washing it seven times, the first washing being with dirt (that is, water mixed with dirt until it becomes muddy)." This was related by Muslim, Ahmad, Abu Dawud, and al-Baihaqi. If a dog licks a pot that has dry food in it, what it touched and what surrounds it must be thrown away. The remainder may be kept, as it is still pure. As for a dog's fur, it is considered pure.

## Fiqh 1.14: Purifying the ground

If there are impurities on the ground, it is purified by pouring water over it. This is proven by Abu Hurairah's hadith, mentioned earlier, about the bedouin who urinated in the mosque. The Prophet, upon whom be peace, said all that needed to be done for purification was to pour water over it. Said Abu Qulabah, "The drying of the ground is its purification." 'Aishah said, "The purification of the ground is its becoming dry." (Related by Ibn Abi Shaibah.) This, of course, refers to the case where the impurity is a liquid. If the impurity is a solid, the ground will only become pure by its removal or decay.

### Fiqh 1.14 a: Purifying clarified butter and other similar substances

Ibn 'Abbas relates from Maimunah that the Prophet, upon whom be peace, was asked about a mouse that fell into a pot of clarified butter. He said, "Take (the mouse) and what is around it out, and throw it away. Then eat (the rest of) your clarified butter." This is related by al-Bukhari.

Commenting on the subject, al-Hafezh Ibn Hajr says, "Ibn 'Abdul Barr reported that there is agreement that if a dead animal falls into a solid matter, what the dead animal touches and what is around it must be thrown away, provided that one can make sure that the animal did not touch the remainder. As for a liquid substance, there is some difference of opinion. The majority say that the entire liquid becomes impure; az-Zuhri, al-Auza'i, and some others disagree with that opinion.

## Fiqh 1.15: Purifying the skin of dead animals

Tanning purifies the skin and the fur of a dead animal. This is based on the hadith of Ibn 'Abbas, in which the Prophet said, "If the animal's skin is tanned, it is purified." (Related by al-Bukhari and Muslim.)

### Fiqh 1.15 a: Purifying mirrors and similar objects

Mirrors, knives, swords, nails, bones, glass, painted pots and other smooth surfaces that have no pores are purified by simply wiping them and removing any impure remains. The companions of the Prophet used to pray while wearing swords smeared with blood, and they used to just wipe the swords to purify them.

### Fiqh 1.15 b: Purifying shoes

Shoes may be purified by rubbing them against the ground, as long as the remains of the impurity are removed. Abu Hurairah narrated that the Messenger of Allah, upon whom be peace, said, "If one of you stepped in some filth, the dirt will purify his shoes." Related by Abu Dawud. In another narration it states, "If one of you steps in some filth with his shoes on, the dirt will purify them." Abu Sa'eed reported the Prophet, upon whom be peace, saying, "When a person comes to the mosque, he should look at his shoes. If he finds any filth on them, he should wipe them against the ground and pray in them." (Related by Ahmad and Abu Dawud.) Since shoes are repeatedly exposed to filth, it is sufficient just to wipe them against the ground. This is similar to the case of defecation. In fact, it is stronger than that case, as defecation usually occurs only two or three times a day.

### Fiqh 1.15 c: Useful points that are greatly needed concerning purification

Rope used for hanging clothes with impurities on them may afterwards be used for hanging pure clothes.

If a liquid falls on a person and he does not know if it was water or urine, he need not inquire about it. If he does inquire, the one who is asked need not answer him even if he knows that the liquid is impure. In that case, the person need not wash his clothes.

If a person finds something moist on his body or clothes at night, and he does not know what it is, he need not smell it to discover what it might be. It is related that 'Umar passed by a gutter (and got wet). 'Umar's companion asked the owner of the gutter if the water was pure or impure. 'Umar told the owner not to answer the question, and went on his way.

Clothes that have street mud on them need not be washed. Reported Kamyal ibn Ziyad, "I saw 'Ali wading through the mud, after which he entered the mosque and prayed without washing his legs."

If a person finishes his prayer and sees some impurities on his clothes or body of which he was not previously aware, or he was aware of them but forgot about them, or he did not forget about them but he was not able to remove them, then his prayer is still valid and he need not repeat it. This opinion is supported by Allah's statement, "And there is no sin for you in the mistakes you make unintentionally." (al-Ahzab 5). Many of the companions and those of the following generation gave this legal verdict.

If a person can not determine what part of his clothes contain the impurity, he should wash the whole garment. This is based on the axiom, "If an obligation cannot be fulfilled except by performing another related act, then that act also becomes obligatory."

If a person mixes his pure clothes with his impure clothes (and gets confused between them), he should investigate the matter and pray once in one of the clothes. This is similar to the question of the

exact direction of the qiblah. It does not matter if the proportion of pure clothes was large or small.

### Fiqh 1.16: It is not proper for one to carry something that has Allah's name upon it while he is going to the bathroom

It is not proper for one to carry something that has Allah's name upon it (unless he is afraid of losing it or having it stolen), while he is going to the bathrom. Anas related that the Messenger of Allah, upon whom be peace, had a ring engraved with Muhammad Rasool-ullah, (Muhammad the Messenger of Allah), which he would remove when he went to the bathroom. Ibn Hajr says that this hadith is malul (a type of weak hadith having a defect) and Abu Dawud says it is m unkar, (singularly related by people who are not trustworthy). The first portion of the hadith is authentic, however.

### Fiqh 1.17: He should move and hide himself from others while going to the bathroom

This is especially true in the case of defecation, so others can not hear noxious sounds or smell bad odors. Said Jabir, "We were journeying with the Messenger of Allah, upon whom be peace, and he would only relieve himself when he was out of sight." (This is related by Ibn Majah.) Abu Dawud records that, "When he wanted to relieve himself, he would go where no one could see him." He also related, "When the Messenger of Allah, upon whom be peace, went out he would go very far away."

#### Fiqh 1.17 a: One should mention the name of Allah and seek refuge in Him when entering the privy or removing his clothes to relieve himself

Anas reported that when the Messenger of Allah, upon whom be peace, entered the privy he would say, "In the name of Allah. O Allah! I seek refuge in you from male and female noxious beings (devils)." This is related by "the group."

#### Fiqh 1.17 b: One should not talk when going to the bathroom

One should not respond to a greeting or repeat what the caller to prayer is saying. He may speak if there is some necessity (i.e., to guide a blind man who fears he may be harmed). If he sneezes, he should praise Allah to himself and simply move his lips (without making a sound). Ibn 'Umar related that a man passed by the Prophet, upon whom be peace, and greeted him while he (the Prophet) was urinating. The Prophet did not return his greeting. (This is related by "the group," except for al-Bukhari.) Abu Sa'eed reported that he heard the Messenger of Allah, upon whom be peace, say, "Isn't it true that Allah detests those who converse while they relieve themselves?" This was related by Ahmad, Abu Dawud and Ibn Majah.

This hadith seems to support the position that it is forbidden to talk. Many scholars, however, say that it is only disliked, not forbidden.

### Fiqh 1.18: One should neither face nor turn his back on the qiblah while relieving himself

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "When one of you relieves himself, he should neither face the qiblah nor turn his back on it." This was related by Ahmad and Muslim.

The prohibition implies that it is only disliked. As Ibn 'Umar related that he once went to Hafsah's home, where he saw the Messenger of Allah relieving himself while facing Syria with his back to the Ka'bah. This is related by "the group." Some reconciliate these hadith by saying that in the desert it is forbidden to face or turn one's back on the Ka'bah, while it is permitted in buildings. Said Marwan al-Asghar, "I saw 'Umar sitting on his she-camel and facing the qiblah while urinating. I said, 'O father of 'Abdurahman ... is this not forbidden?' He said, 'Certainly not ... This has been prohibited only in open areas. If there is a barricade (or separator) between you and the qiblah, there is nothing wrong with it."

This is related by Abu Dawud, Ibn Khuzaimah and al-Hakim. Its chain is hassan as Ibn Hajr said in Fath al-Bari.

### Fiqh 1.18 a: One should seek a soft and low piece of ground to protect himself from impurities

Abu Musa related that the Messenger of Allah came to a low and soft part of the ground and urinated. He then said, "When one of you urinates, he should choose the proper place to do so."

This is related by Ahmad and Abu Dawud. One of its narrators is unknown, but its meaning is sound.

### Fiqh 1.18 b: One should not use a hole in the ground

Qatadah related from 'Abdullah ibn Sarjas who said, "The Messenger of Allah forbade urination into a hole." Said Qatadah, "What is disliked about urinating into a hole?" Said he, "It is the residence of the jinn."

This hadith is related by Ahmad, an-Nasa'i, Abu Dawud, al-Hakim and al-Baihaqi. Ibn Khuzaimah and Ibn as-Sakin classified it as sahih.

### Fiqh 1.18 c: One should avoid shaded places and those places where people walk and gather

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "Beware of those acts which cause others to curse." They asked, "What are those acts?" He said, "Relieving yourself in the people's walkways or in their shade." This hadith is related by Ahmad, Muslim and Abu Dawud.

### Fiqh 1.19: One should not urinate in bathing places or in still or running water

'Abdullah ibn Mughaffal narrated that the Prophet said, "None of you should urinate in a bathing place and then make ablution in the water. The majority of waswas comes from that." This is related by "the five," but the statement, "and then make ablution in it" was only related by Ahmad and Abu Dawud. Jabir said the Prophet forbade urinating in still as well as running water. (Related by Ahmad, an-Nasa'i and Ibn Majah.) In Majma az-Zuwaid it states, "This was related by at-Tabarani, and its narrators are trustworthy."

If there is a drain in the bathing place, it is permissible to urinate into it.

### Fiqh 1.19 a: One may not urinate while standing

If a person can guarantee that no impurities will touch his clothes, it is permissible to urinate while standing. Said 'Aishah, "If someone relates to you that the Messenger of Allah urinated while standing, do not believe him. He only urinated while sitting." This hadith is related by "the five," except for Abu Dawud. At-Tirmizhi's comment is, "It is the best thing related on this point, and it is the most authentic."

One should not forget that what 'Aishah said is based on the knowledge that she had. Huzhaifah relates that the Messenger of Allah, upon whom be peace, went to a public garbage dump and urinated while standing. Huzhaifah went away, and the Prophet then called him over. The Prophet made ablution and wiped over his shoes. This is related by "the group."

Commenting upon the issue, an-Nawawi says, "To urinate while sitting is most desirable in my opinion, but to do so standing is permissible. Both acts are confirmed by the Messenger of Allah, upon whom be peace.

### Fiqh 1.19 b: One must remove any impurities from his clothes and body

To do so, he can use a rock, stone or any other pure matter. One may use only water to clean the area, or any combinations of purifying agents. 'Aishah reported that the Messenger of Allah, upon whom be peace, said, "When one of you goes to relieve himself, he should clean himself with three stones." (Related by Ahmad, anNasa'i, Abu Dawud and ad-Daraqutni).

Anas related that the Messenger of Allah would enter the privy, and that Anas and another boy would carry the water container and spear for him. The Prophet would clean himself with water." (Related by al-Bukhari and Muslim.)

Ibn 'Abbas related that the Messenger of Allah, upon whom be peace, passed by two graves and said, "They are being punished. But they are not being punished for a great matter (on their part). One of them did not clean himself from urine and the other used to spread slander." (Related by "the group.")

Anas also related the Prophet as saying, "Purify yourselves from urine, as most punishment in the grave is due to it."

### Fiqh 1.20: One should not clean himself with his right hand

'Abdurahman ibn Zaid related that Salman was asked, "Your Prophet teaches you everything, even how to relieve yourselves?" Salman said, "Certainly ... He forbade us from facing the qiblah while doing so, from cleaning ourselves with our right hand, and from cleaning ourselves with less than three stones. We also should not use an impure substance or a bone to clean ourselves." (Related by Muslim, Abu Dawud, and at-Tirmizhi.)

Hafsah reported, "The Messenger of Allah, upon whom be peace, reserved his right hand for eating, drinking, putting on his clothes, taking and giving. He used his left hand for other actions." (Related by Ahmad, Abu Dawud, Ibn Majah, Ibn Hibban, al-Hakim and al-Baihaqi).

### Fiqh 1.20 a: One should remove any bad smell from his hands after cleaning himself

Abu Hurairah said, "When the Messenger of Allah upon whom be peace, relieved himself, I used to bring him a container of water. He would cleanse himself, then rub his hands against the soil." (Related by Abu Dawud, an-Nasa'i, al-Baihaqi, and Ibn Majah.)

### Fiqh 1.20 b: One should sprinkle his penis and underwear with water after urination

Make sure that he has cleansed himself. If one finds some dampness in his clothes after so doing, he can content himself by saying, "That is just water." This is based on the hadith related by al-Hakim ibn Sufyan or Sufyan ibn al-Hakim who said, "When the Messenger of Allah, upon whom be peace, urinated, he would wash and sprinkle (his penis)." In another narration it states, "I saw the Messenger of Allah urinate, after which he sprinkled water over his penis." Ibn 'Umar used to sprinkle his penis until his underwear became wet.

### Fiqh 1.20 c: Entering the bathroom

One should enter the bathroom or a privy with his left foot, and exit with his right foot, saying: "O Allah! I seek your forgiveness." 'Aishah related that when the Messenger of Allah left the bathroom, he would say this supplication. (Related by "the five," except for an-Nasa'i.) What 'Aishah stated is the soundest statement on this topic. It is related through a number of weak chains that the Prophet, upon whom be peace, used to say, "Praise be to Allah who made the filth leave me and who has given me health," and "Praise be to Allah who let me enjoy it, kept for me its energy and relieved me of its harm."

## Fiqh 1.21: Acts that correspond to the Nature of Mankind

Allah has chosen certain acts for all of His prophets and their followers to perform. These acts distinguish them from the rest of mankind, and are known as sunan al-fitra, (the acts that correspond to the nature of mankind).

### Fiqh 1.21 a: Circumcision

This prevents dirt from getting on one's penis, and also makes it easy to keep it clean. For women, it involves cutting the outer portion of the clitoris. Abu Hurairah reported that the Messenger of Allah said, "Ibrahim circumcised himself after he was eighty years old." (Related by al-Bukhari.) Many scholars say that it is obligatory.'´The Shaf'iyyah maintain that it should be done on the seventh day. Says ash-Shaukani, "There is nothing that states explicitly its time or indicates that it is obligatory."

### Fiqh 1.21 b: Shaving pubic hairs and pulling out underarm hairs

They are two sunan acts. If the hair is only trimmed or pulled out, it will suffice.

### Fiqh 1.21 c: Clipping one's fingernails, trimming and shaving his moustache

Ibn 'Umar related that the Messenger of Allah said, "Differ from the polytheists: let your beards (grow)" and shave your moustache." (Related by al-Bukhari and Muslim). Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "Five things are part of one's fitra: Shaving the pubic hairs, circumcision, trimming the moustache, removing the hair under the arms and trimming the nails." (Related by "the group.") It does not mention which one would specifically fulfill the sunnah. One should make sure that his moustache is not so long that food particles, drink and dirt accumulate in it. Zaid ibn Arqam related that the Prophet, upon whom be peace, said "Whoever does not take (off) some of his moustache is not one of us." (Related by Ahmad, an-Nasa'i and at-Tirmizhi, who classified it as sahih.) It is preferred to cut the pubic hairs, pluck out the underarm hairs, cut the nails and trim the moustache on a weekly basis, a practice which is most hygenic. If some unnecessary hair is left on the body for a longer period of time, it may disturb the person. One may leave this action for forty days, but no longer. Said Anas, "The time period for us to trim the moustache, cut the nails, pluck out the underarm hairs and cut the pubic hairs was forty nights." (Related by Ahmad, Abu Dawud and others).

## Fiqh 1.22: Letting one's beard grow and become thick

This is a feature of dignity. It should not be cut so short that it appears like a shaved beard, nor should it be left so long that it becomes untidy. It is also a sign of manhood. Says al-Bukhari, "Whenever Ibn 'Umar made the hajj or 'umrah, he would hold his beard in his fist and, whatever exceeded his fist, he would cut off."

### Fiqh 1.22 a: Oiling and combing one's hair

Abu Hurairah reported the Prophet, upon whom be peace, as saying, "Whoever has hair should honor it." (Related by Abu Dawud.)

Said 'Ata ibn Yasar, "A man came to the Prophet with unkempt hair and an untidy beard. The Prophet pointed to him, as if ordering him to straighten his hair and beard. He did so and returned. Thereupon the Prophet observed, 'Is that not better than one of you coming with his hair unkempt, as if he were a devil?"' (Related by Malik.)

Abu Qatadah related that he had a great amount of hair. He asked the Prophet, "O Messenger of Allah, I have lots of hair. Should I comb it?" He answered, "Yes ... and honor it." Abu Qatadah used to oil it twice a day due to the Prophet's words, "... and honor it."

Cutting one's hair off is permissible, and so is letting it grow if one honors it. Ibn 'Umar narrated that the Prophet, upon whom be peace, said, "Shave it all or leave it all." (Related by Ahmad, Muslim, Abu Dawud and an-Nasa'i). To shave part of it and leave part of it is greatly disliked. Nafa' related from Ibn 'Umar that the Messenger of Allah prohibited qiza'. Nafa' asked, "What is qiza' ?" He said, "It is to shave off part of the hair of a youth and to leave part." (AlBukhari and Muslim.)

## Fiqh 1.23: Leaving grey hairs in place

This applies to both men and women. 'Amr ibn Shu'aib related on the authority of his father from his grandfather that the Prophet said, "Do not pluck the grey hairs as they are a Muslim's light. Never a Muslim grows grey in Islam except that Allah writes for him, due to that, a good deed. And he raises him a degree. And he erases for him, due to that, one of his sins." (Related by Ahmad, Abu Dawud, at-Tirmizhi, an-Nasa'i and Ibn Majah.) And Anas said, "We used to hate that a man should pluck out his white hairs from his head or beard." (Related by Muslim. )

### Fiqh 1.23 a: Changing the color of grey hair by using henna, red dye, yellow dye, and so on

Abu Hurairah reported that the Prophet, upon whom be peace, said, "The Jews and Christians do not dye, so differ from them." (Related by "the group.") Abu Zharr reported that the Messenger of Allah said, "The best thing that one can use to change the color of grey hairs is henna and katm (a reddish dye)." (Related by "the five.")

There are some narrations that state that dying is disliked, but it is obvious that these narrations conflict with the sunnah and custom. It is related from some of the companions that it is better not to dye, while others say it is better to do it. Some used a yellow dye, while others used henna or katm. Others used saffron, and a group of them used a black dye. Ibn Hajr mentioned in Fath al-Bari that az-Zuhri said, "We used black dye if our face was youthful, but if wrinkles were present and the teeth were gone we would not use it." Said Jabir, "Abu Quhafah (Abu Bakr's father) was brought to the Prophet during the conquest of Makkah while his head was "white." The Prophet, upon whom be peace, said, "Take him to one of his wives and let her change the color of his hair with something, but she should avoid (making his hair) black." (Related by "the group," except for al-Bukhari and at-Tirmizhi). This dealt with a certain incident, and cannot be generalized. Furthermore, black would not be proper for someone as old as Abu Quhafah.

## Fiqh 1.24: To use musk and other types of perfume

These are pleasing to the soul and beautify the atmosphere. Anas reported the Messenger of Allah as saying, "Among the things of this world, I love women and perfume, and the coolness of my eyes is prayer." (Related by Ahmad and an-Nasa'i.) Abu Hurairah reported that the Messenger of Allah said, "If someone offers perfume, do not reject it, for it is light to carry and has a sweet scent." (Related by Muslim, an-Nasa'i and Abu Dawud.) Abu Sa'eed reported that the Prophet said about musk, "It is the best of perfumes." (Related by "the group," except for al-Bukhari and Ibn Majah).

Nafa' narrated that Ibn 'Umar used to burn and inhale a branch called aluwah that has a nice smell. He also used camphor. He used to say, "This is the way the Messenger of Allah inhaled such scents (that is, by burning them.)" (Related by Muslim and an-Nasa'i.)

## Fiqh 1.25: Ablution means to wash one's face, hands, arms, head and feet with water.

### Fiqh 1.25 a: Part of Islamic law

This is proven from the three major sources of Islamic law:

1 The Qur'an. Says Allah in the Qur'an, "O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows and lightly rub your heads and (wash) your feet up to the ankles (al-Mai'dah 6).

2 The Sunnah. Abu Hurairah reported that the Messenger of Allah said, "Allah does not accept the prayer of one who nullified his ablution until he performs it again." (Related by al-Bukhari, Muslim, Abu Dawud and at-Tirmizhi.)

3 The Consensus. There is a consensus of scholarly opinion that ablution is part of Islamic law. Therefore, it is a recognized fact of the religion.

### Fiqh 1.25 b: Its virtues

Many hadith state the virtues of ablution. We shall mention just a few:

1 'Abdullah ibn as-Sunnabiji stated that the Messenger of Allah said, "When a slave makes ablution and rinses his mouth, his wrong deeds fall from it. As he rinses his nose, his wrong deeds fall from it. When he washes his face, his wrong deeds fall from it until they fall from beneath his eyelashes. When he washes his hands, his wrong deeds fall from them until they fall from beneath his fingernails. When he wipes his head, his wrong deeds fall from it until they fall from his ears. When he washes his feet, his wrong deeds fall from them until they fall from beneath his toenails. Then his walking to the mosque and his prayer give him extra reward." (Related by Malik, an-Nasa'i, Ibn Majah and al-Hakim.)

2 Anas reported that the Messenger of Allah said, "If good characteristics exist in a person, Allah makes all of his acts good. If a person purifies himself for prayer, he expiates all of his sins and his prayer is considered an extra reward for him." (Related by Abu Ya'la, al-Bazzar and at-Tabarani in al-Ausat.)

3 Abu Hurairah reported that the Messenger of Allah said, "'Shall I inform you (of an act) by which Allah erases sins and raises degrees?" They said, "Certainly, O Messenger of Allah." He said, "Perfecting the ablution under difficult circumstances, taking many steps to the mosque, and waiting for the (next) prayer after the (last) prayer has been performed. That is ribat. (Related by Malik, Muslim, at-Tirmizhi and an-Nasa'i.)

4 Abu Hurairah also reported that the Messenger of Allah, upon whom be peace, passed by a grave site and said, "Peace be upon you, O home of believing people. Allah willing, we shall meet you soon, although I wish I could see my brothers." They asked, "Are we not your brothers, O Messenger of Allah?" He said, "You are my companions. My brothers are the ones who will come after (us)." They said, "How will you know the people of our nation who will come after you, O Messenger of Allah?" He said, "If a man has a group of horses with white forelocks amidst a group of horses with black forelocks, will he recognize his horses?" They said, "Certainly, O Messenger of Allah." He said, "They (my brothers) will come with white streaks from their ablutions, and I will receive them at my cistern. But there will be some who will be driven away from my cistern as a stray camel is driven away. I will call them to come. It will be said, 'They changed matters after you,' then I will say, 'Be off, be off."' (Related by Muslim.)

## Fiqh 1.27: The obligatory parts of the ablution

Ablution has certain components which, if not fulfilled according to the correct Islamic procedures, make one's ablution void.

### Fiqh 1.27 a: Intention

This is the desire to do the action and to please Allah by following His command. It is purely an act of the heart, for the tongue (verbal pronouncement, and so on) has nothing to do with it. To pronounce it is not part of the Islamic law. That the intention is obligatory is shown in the following: 'Umar related that the Prophet, upon whom be peace, said, "Every action is based on the intention (behind it), and everyone shall have what he intended..." (Related by "the group.")

### Fiqh 1.27 b: Washing the face

This involves "pouring" or "running" water from the top of the forehead to the bottom of the jaws, and from one ear to the other.

### Fiqh 1.27 c: Washing the arms to the elbow

The elbows must be washed, for the Prophet, upon whom be peace, did so.

### Fiqh 1.27 d: Wiping the head

This means to wipe one's head with his hand. It is not sufficient just to place the hand on the head or to touch the head with a wet finger. The apparent meaning of the Qur'anic words, "...and wipe over your heads..." does not imply that all of the head needs to be wiped. It has been recorded that the Prophet used to wipe his head three different ways:

1 Wiping all of his head. 'Abdullah ibn Zaid reported that the Prophet, upon whom be peace, wiped his entire head with his hands. He started with the front of his head, then moved to the back, and then returned his hands to the front. (Related by "the group.").

2 Wiping over the turban only. Said 'Amru ibn Umayyah, "I saw the Messenger of Allah, upon whom be peace, wipe over his turban and shoes." (Related by Ahmad, al-Bukhari and Ibn Majah). Bilal reported that the Prophet, upon whom be peace, said, "Wipe over your shoes and head covering." (Related by Ahmad.) 'Umar once said, "May Allah not purify the one who does not consider wiping over the turban to be purifying." Many hadith have been related on this topic by al-Bukhari, Muslim and others. Most of the scholars agree with them.

Wiping over the front portion of the scalp and the turban

Al-Mughirah ibn Shu'bah said that the Messenger of Allah, upon whom be peace, made ablution and wiped over the front portion of his scalp, his turban and his socks. (Related by Muslim.) There is, however, no strong hadith that he wiped over part of his head, even though al-Ma'idah: apparently implies it. It is also not sufficient just to wipe over locks of hair that proceed from the head or along the sides of the head.

### Fiqh 1.28: Washing the feet and the heels

This has been confirmed in mutawatir (continuous) reports from the Prophet, upon whom be peace, concerning his actions and statements. Ibn 'Umar said, "The Prophet lagged behind us in one of our travels. He caught up with us after we had delayed the afternoon prayer. We started to make ablution and were wiping over our feet, when the Prophet said, 'Woe to the heels, save them from the Hell-fire,' repeating it two or three times." (Related by al-Bukhari and Muslim.)

Needless to say, the preceding obligations are the ones that Allah has mentioned in (al-Ma'idah 6).

### Fiqh 1.28 a: Following the prescribed sequence

Allah mentioned the obligations in a specific order. He also differentiated the legs from the hands--though both of them have to be washed--from the head, which only needs to be wiped. The polytheists of Arabia would not differentiate items unless there was some benefit in doing so. The way Allah structured the ablution made it easier for them to comprehend it. Al-Ma'idah 6 explains what is obligatory and it falls under the generality of the Prophet's statement, "Begin with what Allah began with." The Prophet used to follow that sequence as one of ablution's principles. There is no such report that the Prophet, upon whom be peace, ever departed from that sequence. Ablution is part of worship, and in matters of worship there is no room for anything except doing what has been commanded.

### Fiqh 1.28 c:

This section deals with those acts connected with the ablution, but which are not obligatory, as the Prophet, upon whom be peace, did not rigorously stick to them or censure anyone for not doing them. They are as follows:

## Fiqh 1.29: Mentioning the name of Allah at the beginning

There are some weak hadith that mention this act, and all of the chains of these hadith point to the fact that there is some basis for this act. In any case, it is a good act in and of itself and, in general, it is part of the Islamic law.

## Fiqh 1.29 a: Dental Hygiene

This involves using a stick or similar object to clean one's teeth. The best type to use is that of the arak tree found in the Hejaz. Such a practice strengthens the gums, prevents tooth disease, helps digestion and facilitates the flow of urine. This sunnah is fulfilled by using any object which removes yellow stains on the teeth and cleans the mouth, such as a toothbrush, and so on. Abu Hurairah reported that the Prophet, upon whom be peace, said, "Were it not to be a hardship on my community, I would have ordered them to use a toothbrush for every ablution." (Related by Malik, ash-Shaf'i, al-Baihaqi and al-Hakim.) 'Aishah reported that the Prophet said, "The toothbrush purifies the mouth and is pleasing to the Lord." (Related by Ahmad, an-Nasa'i and at-Tirmizhi.)

Using a toothbrush is liked at any time, but there are five times in which it is especially liked:

1 ablution,

2 prayer,

3 reading the Qur'an,

4 rising from sleep, and

5 when the taste in one's mouth has changed. Fasting and non-fasting people may use it at the beginning, the end, or at any other time during the day. 'Amr ibn Rabi'ah said, "I have seen the Messenger of Allah, upon whom be peace, on countless occasions using a toothbrush while fasting." (Related by Ahmad, Abu Dawud and at-Tirmizhi.)

When one uses a toothbrush, it is sunnah to clean it afterwards. Said 'Aishah, "When the Prophet, upon whom be peace, used his toothbrush, he would give it to me. I would wash it, use it, wash it again and give it back to him." (Related by Abu Dawud and alBaihaqi.)

It is part of the sunnah that one who has no teeth may use his fingers to clean his mouth. Asked 'Aishah, "O Messenger of Allah, how should a toothless person cleanse his mouth?" "By putting his fingers into his mouth," he replied. (Related by at-Tabarani.)

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## Fiqh 1.30: Washing the hands three times at the beginning

This is based on the hadith of Aus ibn Aus al-Thaqafi who said, "I saw the Messenager of Allah make ablution, and he washed his hands three times." (Related by Ahmad and an-Nasa'i.) Abu Hurairah reported that the Prophet, upon whom be peace, said, "When one of you rises from his sleep, he should not put his hand into a pot until he has washed it three times, for he does not know where his hand was (while he slept)." (Related by "the group", al-Bukhari did not mention the number of times.)

### Fiqh 1.30 a: Rinsing the mouth three times

Laqit ibn Sabrah reported that the Prophet said, "When one performs ablution, he should rinse his mouth." (Related by Abu Dawud and al-Baihaqi.)

### Fiqh 1.30 b: Sniffing up and blowing out water three times

Abu Hurairah reported that the Prophet, upon whom be peace, said, "When one of you performs ablution, he should sniff water up his nostrils and then blow it out." (Related by al-Bukhari, Muslim and Abu Dawud.)

The sunnah is to put the water into the nostrils with the right hand and blow it out with the left. 'Ali once called for water for ablution, rinsed his mouth, sniffed up water into his nostrils and blew it out with his left hand. He did that three times and then said, "That is how the Prpohet, upon whom be peace, would purify himself." (Related by Ahmad and an-Nasa'i.)s sunnah is fulfilled by putting water into the mouth and nostrils in any way. The practice of the Prophet was to do both acts at the same time. 'Abdullah ibn Zaid said, "The Prophet would rinse his mouth and nose with just one hand (at one time, together). He did that three times." In one narration it says, "He would rinse his mouth and nose with three scoops of water." (Related by al-Bukhari and Muslim.) It is also sunnah to be plentiful (with water) while performing this sunnah, except if one is fasting. Laqit asked the Prophet, "Inform me about your ablution." He replied, "Complete and perfect the ablution and (put water) between your fingers. Use lots of water while sniffing it up your nostrils, unless you are fasting." (Related by "the five." At-Tirmizhi said it is sahih.)

### Fiqh 1.31: Running one's fingers through his beard

'Aishah reported that the Messenger of Allah would run his fingers through his beard. (Related by Ibn Majah and at-Tirmizhi, who classified it as sahih . )

Anas said that when the Messenger of Allah performed ablution, he would take a handful of water and put it under his jaws and pass it through his beard. He said, "This is what my Lord, Allah, ordered me to do." (Related by Abu Dawud, al-Baihaqi and al-Hakim.)

### Fiqh 1.31 a: Running water through one's fingers and toes

Ibn 'Abbas said that when the Messenger of Allah performed ablution, he would run his fingers through his fingers and toes. (Related by "the five," except Ahmad.) It is also related that it is preferable to remove jewelry, for example, rings, bracelets, and so on, while performing ablution. Even though these reports are not accepted as fully authentic, one must follow them, for they fall under the general category of completing and perfecting the ablution.

### Fiqh 1.31 b: Repeating each washing three times

This is a sunnah that the Prophet, upon whom be peace, almost always followed. If he acted otherwise, it was just to show that the other acts are permissible. 'Amr ibn Shu'aib related on the authority of his father from his grandfather who said: "A bedouin came to the Messenger of Allah, upon whom be

peace, and asked him about the ablution. He showed him how to wash each part three times and said, 'This is the ablution. Whoever does more than that has done wrong, transgressed and committed evil." (Related by Ahmad, an-Nasa'i and Ibn Majah.) 'Uthman also reported that the Messenger of Allah would repeat each washing three times. (Related by Ahmad, Muslim and at-Tirmizhi.) It is also proven that he performed each washing only once or twice. According to most of the reports, he wiped his head only once.

### Fiqh 1.31 c: Beginning each action with the right side

Said 'Aishah, "The Messenger of Allah loved to begin with his right side while putting on his shoes, straightening his hair and cleaning (or purifying) himself." (Related by al-Bukhari and Musilm.) Abu Hurairah reported that the Prophet said, "When you clothe or wash yourself, begin with your right side." (Related by Ahmad, Abu Dawud, at-Tirmizhi, and an-Nasa'i.)

### Fiqh 1.32: Rubbing the limbs with water

This means to rub the hands over the bodily parts with water. 'Abdullah ibn Zaid reported that the Messenger of Allah was brought a pot of water which he used to perform ablution, and then rubbed his arms. (Related by Ibn Khuzaimah.) He also related that the Messenger of Allah performed ablution, then rubbed his limbs. (Related by Abu Dawud at-Tayalisi, Ahmad, Ibn Hibban and Abu Ya'la.)

### Fiqh 1.32 a: Close sequence

Each bodily part must be washed right after the other in the prescribed sequence (without separating the washing of the different parts of acts not related to the abution). This is the customary practice of the early and later generations of Muslims.

### Fiqh 1.32 b: Wiping the ears

The sunnah is to wipe the interior of the ears with the index fingers and the exterior portions with the thumbs. The water used to wipe the head is also used for the ears, as the ears are part of the head. Al-Miqdam ibn Ma'd Yakrih reported that the Prophet, upon whom be peace, wiped his head and his ears, the interior and exterior, while making ablution. He also put his finger inside his ear. (Related by Abu Dawud and at-Tahawi.)

While describing the ablution of the Prophet, upon whom be peace, Ibn 'Umar said, "He wiped his head and ears with one wipe." (Related by Ahmad and Abu Dawud.) In one narration it states, "He wiped the inner portion of his ears with his index finger, and the outer portion with his thumb."

### Fiqh 1.32 c: Elongating the streaks of light

This refers to washing the complete forehead, a practice which is more than what is obligatory in washing the face, and will increase the streak of light (on the Day of Judgement). It also refers to washing above the elbows and ankles. Abu Hurairah reported that the Messenger of Allah said, "My nation will come with bright streaks of light from the traces of ablution." Abu Hurairah then said, "If one can lengthen his streak of light, he should do so." (Related by Ahmad, al-Bukhari and Muslim.) Abu Zar'ah related that when Abu Hurairah made ablution, he washed his arms above his elbows and his feet up to his calves. He was asked, "Why do you do this?" He said, "This is the extent of the embellishment." (Related by Ahmad. ) According to al-Bukhari and Muslim, its chain is sahih.

### Fiqh 1.32 d: Economizing the use of water, even if one is in front of the sea

Anas said, "The Prophet, upon whom be peace, used to perform ghusl (the complete bathing) with a sa'a of water (1.616 cm) 3 to 5 madd (each 4 madd equals one sa'a). He also used to make ablution with one madd (404 cm) of water." (Related by al-Bukhari and Musim.) 'Ubaidullah ibn Abu Yazid

narrated that a man asked Ibn 'Abbas, "How much water is sufficient for ghusl?" He answered, "One madd." "And how much is sufficient for ghusl?" He said, "One sa'a." The man said, "That is not sufficient for me." "Ibn 'Abbas said, "No? It was sufficient for one better than you, the Messenger of Allah, upon whom be peace." (Related by Ahmad, al-Bazaar and at-Tabarani in al-Kabeer. Its narrators are trustworthy.) 'Abdullah ibn 'Umar narrated that the Messenger of Allah passed by Sa'd while he was performing ablution and said, "What is this extravagance, Sa'd?" He said, "Is there extravagance in the use of water?" He said, "Yes, even if you are at a flowing river." (Related by Ahmad and Ibn Majah with a weak chain.)

Extravagance is to use water without any benefit, like washing the parts more than three times. Ibn Shu'aib's hadith, quoted earlier, illustrates the point in question. 'Abdullah ibn Mughaffal narrated that he heard the Prophet say, "There will be people from my nation who will transgress in making supplications and in purifying themselves." (Related by Ahmad, Abu Dawud and an-Nasa'i.)

Says al-Bukhari, "The scholars do not like one to use water beyond what the Prophet, upon whom be peace, used for ablution.

## Fiqh 1.33: Supplication while performing ablution

There is nothing confirmed from the Prophet, upon whom be peace, regarding supplications during ablution save the hadith of Abu Musa al-Ash'ari who said, "I came to the Messenger of Allah with water. While he was performing ablution, I heard him supplicate, 'O Allah, forgive my sins. Make my residence spacious for me and bless me in my provisions.' I said, 'O Prophet of Allah, I heard you supplicating such and such.' He said, 'Did I leave anything out?" (Related by an-Nasa'i and Ibn as-Sunni with a sahih chain.) An-Nawawi includes this event under the chapter, What is to be said after one completes the ablution, and Ibn as-Sunni has it under, What is to be said when one is in the state of ablution.

An-Nawawi holds that both meanings may be implied from the hadith.

## Fiqh 1.34: Supplication after ablution

'Umar reported that the Prophet, upon whom be peace, said, "If one completes (and perfects) the ablution and then says, 'I testify that there is no god except Allah, the One Who has no partner, and that Muhammad is His slave and Messenger," the eight gates of paradise will be opened for him and he may enter any of them that he wishes." (Related by Muslim.)

Abu Sa'eed al-Khudri reported that the Prophet said, "Whoever makes ablution and says, 'Glory be to Thee, O Allah, and the praise be to Thee. I bear witness that there is no god except You. I beg Your forgiveness and I repent unto you,' will have it written for him, and placed on a tablet which will not be broken until the Day of Resurrection. This hadith is related by at-Tabarani in al-Ausat. Its narrators are of the sahih. An-Nasa'i has it with the wording. "It will be stamped with a seal, placed below the throne, and it will not be broken until the Day of Resurrection." The correct statement is that it is mauqoof.

As for the supplication, "Allah, cause me to be from among the repentant, and cause me to be from among the pure," it has been narrated by at-Tirmizhi who said, "Its chain is muzhtarib and there is nothing authentic concerning this (supplication)."

## Fiqh 1.34 a: Praying two rak'ah after ablution

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said to Bilal, "O Bilal, tell me what good deed you have done in Islam that I hear the sound of your footsteps in Paradise?" Bilal said, "That after I purify myself during the day or night, I pray with that purification as much as Allah has destined for me." (Related by al-Bukhari and Muslim.) 'Uqbah ibn 'Aamr related that the Messenger of Allah, upon whom be peace, said, "If one performs and perfects his ablution and prays two rak'ah with his heart and face (completely on his prayer), Paradise becomes his." (Related by Muslim, Abu Dawud, Ibn Majah and Ibn Khuzaimah in his Sahih.) Khumran, the client of 'Uthman, added, "I saw 'Uthman

call for water for ablution, pour it from the pot onto his right hand and wash it three times. He then put his right hand into the container, rinsed his mouth and nose and blew the water out. Then he washed his face three times, followed by his arms up to the elbows. Then he washed his feet three times and said 'I saw the Messenger of Allah, upon whom be peace, make ablution like this.' And then he would say, 'Whoever makes ablution like this and then prays two rak'ah without having any other concern on his mind, all his past sins will be forgiven." (Related by al-Bukhari, Muslim and others.)

Other practices (protecting the eyes and wrinkles, removing any rings, wiping the neck, and so on) have not been mentioned here as their narrations are still questionable. But, one may follow them as part of general cleanliness.

### Fiqh 1.35: Nullification of ablution

It is not desirable that one who is making ablution should leave any of the sunan that have just been mentioned. The person would then lose the great reward of these (simple)acts. Anytime one abandons the sunnah, he has done a disliked deed.

### Fiqh 1.35 a: An excretion of the penis, vagina or anus

This would include urine, feces (Allah says, "...or one of you comes from relieving himself," thus proving that such an act obligates a new purification), and releasing gas from the anus. Abu Hurairah reported that the Messenger of Allah said, "Allah does not accept the prayer of a person who has released gas until he makes a new ablution. A person from Hazhramaut asked Abu Hurairah, "What does releasing gas mean?" He answered, "Wind with or without sound." (Related by al-Bukhari and Muslim.) He also narrated that the Prophet said, "If one of you finds a disturbance in his abdomen and is not certain if he has released any gas or not, he should not leave the mosque unless he hears its sound or smells its scent." (Related by Muslim.)

Hearing the escaping gas or smelling it is not a condition for nullifying ablution, but he stressed that one should be certain of the action. As for al-Mazhi (prostatic fluid), the Prophet said, "Make ablution." Concerning sperm or al-mani, said Ibn 'Abbas "It requires ghusl and for al-mazhi and al-wadi, wash your sex organs and make ablution." This was related by al-Baihaqi in his Sunan.

### Fiqh 1.35 b: Deep sleep that makes a person completely unaware of his surroundings

If the person did not keep his bottocks firmly seated on the floor while sleeping, he must make a new ablution. Safwan ibn 'Asal said, "The Prophet, upon whom be peace, used to order us while we were travelling not to take our socks off unless we were in post-sex impurity (i.e. not for defecation, urination or sleep)." (Related by Ahmad, an-Nasa'i and at-Tirmizhi, who graded it sahih.) If one's buttocks has remained firmly on the floor during his sleep, no new ablution is necessary. This is implied by the hadith of Anas who said, "The companions of the Prophet were waiting for the delayed night prayer until their heads began nodding up and down (from drowsiness and sleep). They would then pray without performing ablution." (Related by ash-Shaifi, Muslim, Abu Dawud and at-Tirmizhi.) The wording that at-Tirmizhi recorded from the chain of Shu'bah is, "I have seen the companions of the Prophet sleeping to the extent that one could hear some of them snoring. But, they would stand for prayer without a new ablution." Said Ibn alMubarak, "In our opinion, this happened when they were sitting."

### Fiqh 1.36: Loss of consciousness

This nullifies the ablution regardless of whether it was owing to insanity, fainting, drunkenness, or some medicine. It also does not matter if one was unconscious for a short or long period of time, or if one was sitting, or fell to the earth, and so on. The aspect of unawareness here is greater than that of sleeping. The scholars are agreed on this point.

### Fiqh 1.36 a: Touching the sexual organ without any "barrier" between the hand and the

organ

Busrah bint Safwan narrated that the Prophet, upon whom be peace, said, "Whoever touches his sexual organ cannot pray until he performs ablution."

This hadith is related by "the five." At-Tirmizhi classified it as sahih and al-Bukhari called it the most authentic report on that topic. Malik, ash-Shaifi, Ahmad and others also narrated it. Abu Dawud said, "I asked Ahmad, 'Is the hadith of Busrah authentic?' He said, 'Certainly it is authentic." In the narration of Ahmad and an-Nasa'i, Busrah heard the Prophet saying, "Ablution is to be made by the one who touches his sexual organ." This is general and encompasses touching one's own sexual organs or touching somebody else's. Abu Hurairah reported the Prophet as saying, "Whoever touches his sexual organ without any covering (between them) must perform ablution." (Related by Ahmad, Ibn Hibban and al-Hakim, who classified it as sahih, as did Ibn 'Abdul-Barr.)

Said Ibn as-Sakin, "That hadith is from the best of what has been related on this topic." Ash-Shaf'i related: "Any man who touches his penis must perform ablution. Any women who touches her vagina must perform ablution." Commenting on its authenticity, Ibn alQayyim quotes al-Hazimi who says, "That chain is sahih." The Hanifiyyah are of the opinion, based on the following hadith, that touching the sexual organ does not nullify the ablution: "A man asked the Prophet if a man who touches his penis has to perform ablution. Said the Prophet, upon whom be peace, "No, it is just a part of you." (Related by "the five." Ibn Hibban classified it as sahih, and Ibn al-Madini said, "It is better than the hadith of Busrah.'')

Fiqh 1.37: Touching a woman

'Aishah related that the Messenger of Allah, upon whom be peace, kissed her while he was fasting and said, "Kissing does not nullify the ablution, nor does it break the fast." (Related by Ishaq ibn Rahawaih and al-Bazzar with a good chain.)

Evaluating its authenticity, 'Abdul-Haqq says, "I do not know of any defect in the hadith that could cause its rejection."

'Aishah also said, "One night, I missed the Messenger of Allah in my bed, and so went to look for him. I put my hand on the bottom of his feet while he was praying and saying, 'O Allah, I seek refuge in Your pleasure from Your anger, in Your forgiveness from Your punishment, in You from You. I cannot praise you as You have praised Yourself" (related by Muslim and at-Tirmizhi, who classified it as sahih.), and she also reported, 'The Prophet kissed some of his wives and went to prayer, without performing ablution." (Related by Ahmad and "the four,'' and its narrators are trustworthy.) She also said, "I would sleep in front of the Prophet, upon whom be peace, with my feet in the direction of the qiblah (to him). When he made prostrations, he would touch me, and I would move my feet." In another narration it says, "When he wanted to prostrate, he would touch my legs."

Fiqh 1.38: Bleeding from an unusual place

This involves bleeding due to a wound, cupping or a nosebleed, and regardless of whether the amount of blood is small or large.

Said al-Hassan, "The Muslims still prayed even while wounded." (Related by al-Bukhari.) He also reported, "Ibn 'Umar squeezed a pimple until it bled, but he did not renew his ablution. Ibn Abi 'Uqiyy spat blood and continued his prayer. 'Umar ibn al-Khattab prayed while blood was flowing from him. 'Ibbad ibn Bishr was hit with an arrow while praying, but continued his prayers." (Related by Abu Dawud, Ibn Khuzaimah, and al-Bukhari in mu 'allaq form.)

Fiqh 1.38 a: Vomit

Regardless of whether the amount of vomit was great or small, there is no sound hadith that it nullifies

ablution.

### Fiqh 1.38 b: Eating camel meat

That this does not nullify the ablution was the opinion of the four rightly guided caliphs, the companions and the following generation, although there is an authentic hadith that states one should make ablution after it.

Said Jabir ibn Sumrah, "A man asked the Prophet, 'Should we make ablution after eating mutton?' He said, 'If you wish, make ablution. If you do not, do not make ablution.' The man asked 'Should we make ablution after eating camel meat?' He said, 'Yes."' Al-Barra' ibn 'Aazib related that someone asked the Prophet about praying in the dens of camels, and he said, "Do not pray therein, for they are of the devils." He asked about the dens of sheep, and he said, "Pray therein, for they are blessings. (Related by Ahmad, Abu Dawud and Ibn Hibban. ) Ibn Khuzaimah said, "I know of no dispute over the authenticity of this report." In summation, an-Nawawi can be quoted as saying, "This opinion has the strongest proof, although the majority of the scholars differ from it."

### Fiqh 1.39: Of doubts whether or not one has released gas

This is the case where the person cannot quite recall if he is in a state of purity or not. Such a state of mind does not nullify ablution, regardless of whether the person is in prayer or not, until he is certain that he has nullified his ablution. 'Abbad ibn Tameem related that his uncle queried the Prophet about a person who feels something in his abdomen while praying. Said the Prophet, "He should not leave (the prayer) until he hears it or smells it." (Related by Muslim, Abu Dawud and at-Tirmizhi). It does not mean that its sound or bad smell nullifies ablution, but that the person must be certain about the fact that he has nullified his ablution. Says Ibn al-Mubarak, "If one is uncertain about his condition of purity, he does not need to perform a new ablution." If one is certain that he has nullified his ablution and doubts whether he has purified himself or not, he must perform a new ablution.

### Fiqh 1.39 a: Laughing during prayer

This does not nullify ablution, for there are no confirmed reports that state such a thing.

### Fiqh 1.39 b: Washing a dead person

This also does not require a new ablution, for the reports that say it nullifies ablution are weak.

### Fiqh 1.39 c: Any type of ritual prayer

This involves only obligatory, voluntary, or funeral prayers, not the supplications (du'a). This is based on Allah's statement, "O you who believe. When you get up to perform a prayer (salah) wash your face and your arms up to the elbows and wipe your head and feet to the ankles." Also, the Messenger of Allah, upon whom be peace, said, "Allah does not accept a prayer (that was performed while the person) was not in a state of purity. Nor does he accept charity from misappropriated booty." (Related by "the group," except for al-Bukhari.)

### Fiqh 1.40: Circumambulating the Ka'bah

Ibn 'Abbas reported that the Messenger of Allah said, "Circumambulation is a type of prayer, but Allah has permitted speaking during it. Whoever speaks during it should only speak good."

This hadith is related by at-Tirmizhi, ad-Daraqutni, al-Hakim, Ibn as-Sakin and Ibn Khuzaimah, who classified it as sahih.

### Fiqh 1.40 a: Touching a copy of the Qur'an

Abu Bakr ibn Muhammad related from his father on the authority of his grandfather that the Prophet, upon whom be peace, sent a letter to the people of Yemen which stated, "No one is to touch the Qur'an except one who is purified."

This hadith is related by an-Nasa'i, ad-Daraqutni, al-Baihaqi and al-Athram. Of its chain, Ibn 'Abdul-Barr says, "It appears to be a continuous transmission." 'Abdullah ibn 'Umar reported that the Prophet, upon whom be peace, said, "No one is to touch the Qur'an unless he has purified himself." (Al-Haithami mentioned it in Majma' az-Zawaid and said its narrators are trustworthy.) Apparently, this hadith has a problem. The word "purify" must have one particular meaning here. Therefore, to say that one who has a minor defilement may not touch the Qur'an makes no sense. Concerning Allah's statement, "...which none touches save the purified," (alWaqi'ah 79), apparently the pronoun refers to "the Book kept hidden" (from the preceding verse) and that is "the well-preserved tablet" and the "purified" refers to the angels, which is similar to the verses, "On honored scrolls, exalted, purified, (set down) by scribes, noble and righteous" (Abasah 13-16). Ibn 'Abbas, ashSha'bi, azh-Zhahak, Zaid ibn 'Ali, al-Mu'aiyad Billah, Dawud, Ibn Hazm and Hammad ibn Abu Sulaiman are of the opinion that one who has a minor defilement may touch the Qur'an. Most of the scholars, however, agree that such people may recite the Qur'an without touching it.

### Fiqh 1.40 b: While mentioning the name of Allah

Al-Muhajir ibn Qunfuzh related that he greeted the Prophet, upon whom be peace, but that the latter did not return his salutation until he had made ablution: "There is nothing that prevented me from responding to you except that I do no like to mention the name of Allah unless I am in a state of purity." Said Qatadah, "Because of this, al-Hassan hated to recite the Qur'an or mention Allah's name unless he had performed ablution. (Related by Amad, Abu Dawud, an-Nasa'i and Ibn Majah.) Raeported Abu Juhaim ibn al-Harith, "The Prophet, upon whom be peace, met a person at the well of Jaml, who greeted him, but he did not return his greeting until he had wiped his face and hands." (Related by Ahmad, al-Bukhari, Muslim, Abu Dawud and an-Nasa'i.) This action was one of preference, not of obligation. Mentioning the name of Allah is permissible for the one who is in a state of purity, one who has a minor impurity, a person in post-sex impurity, or one who is standing, sitting, and so on. Said 'Aishah, "The Messenger of Allah used to remember Allah at all times." (Related by "the five," except for an-Nasa'i.) Al-Bukhari recorded it in mu'alliq form.) Reported 'Ali, "The Messenger of Allah would come from relieving himself, recite to us and eat meat with us. Nothing would stop him from the Qur'an except post-sex impurity." (Related by "the five." At-Tirmizhi and Ibn as-Sakin categorized it as sahih.)

### Fiqh 1.41: Going to sleep

Al-Barra' ibn 'Aazib reported that the Messenger of Allah, upon whom be peace, said, "When you go to your bed, perform ablution, lie on your right side and then say, 'O Allah, I submit my soul to You, and I turn my face to You. I entrust my affairs to You. I retreat unto You for protection with hope and fear in You. There is no resort and no savior but You. I affirm my faith in Your books which You revealed and in Your prophets you sent.' If you die during that night, you will be along the natural path. Make it your final statement (of the night). He reported that he repeated this supplication to the Prophet, upon whom be peace, and he said, "...and Your messengers." The Prophet interjected, "No,...'and the prophets You sent." (Related by Ahmad, al-Bukhari, and at-Tirmizhi.) This also applies to one who is in post-sex impurity . Ibn 'Umar asked the Prophet, "O Messenger of Allah, can one of us sleep while he is in post-sex impurity?" The Prophet answered, "Yes, if he makes ablution." Reported 'Aishah, "When the Prophet, upon whom be peace, wanted to sleep in a state of post-sex impurity, he would wash his private parts and perform ablution." (Related by "the group.")

### Fiqh 1.41 a: To remove a sexual impurity

If a person in a state of post-sex impurity wants to eat, drink or have intercourse again, he should perform ablution.

Said 'Aishah, "When the Prophet, upon whom be peace, was in a state of impurity because of intercourse and wanted to eat or sleep, he would perform ablution." 'Ammar ibn Yasar reported that the

Prophet permitted a person in post-sex impurity to eat, drink or sleep if he performed ablution first. (Related by Ahmad and at-Tirmizhi, who classified it as sahih.)

Abu Sa'eed reported that the Prophet, upon whom be peace, said, "If one has intercourse with his wife and wants to repeat the act, he should perform ablution." (Related by "the group," except for al-Bukhari. Ibn Khuzaimah, Ibn Hibban and al-Hakim recorded it with the addition, "It makes the return more vivacious.")

Fiqh 1.42: Before performing ghusl

It is preferred to perform ablution before ghusl regardless of whether that particular ghusl was an obligatory or a preferred act. Said 'Aishah, "When the Messenger of Allah, upon whom be peace, performed post-sex ghusl, he would begin by washing his hands and then pour water from his right hand to his left and wash his private parts. He would then perform ablution.." (Related by "the group.")

Fiqh 1.42 a: Before eating food touched by fire

Said Ibrahim ibn 'Abdullah ibn Qarizh, "I passed by Abu Hurairah while he was performing ablution and he said, 'Do you know why I am making ablution? It is because I ate some yoghurt dried over a fire, for I heard the Messenger of Allah say, 'Perform ablution before eating food touched by fire." (Related by Ahmad, Muslim and "the four.")

'Aishah related that the Prophet, upon whom be peace, said, "Perform ablution from whatever touches fire." (Related by Ahmad, Muslim, an-Nasa'i and Ibn Majah.) This order is one of preference as the following hadith makes clear: 'Amr ibn Umayyah azhZhamari said, "I saw the Messenger of Allah, upon whom be peace, cutting a piece of a sheep's shoulder and eating it. He was then called to prayer. He put the knife down, prayed, and did not perform another ablution." (Related by al-Bukhari and Muslim.)

Fiqh 1.42 b: Renewing the ablution for every prayer

Said Buraidah, "The Prophet, upon whom be peace, made ablution for every prayer. On the day of the conquest of Makkah, he made ablution, wiped over his socks and prayed a number of times with just one ablution. 'Umar said to him, 'O Messenger of Allah, you did something that you have not done (before).' He answered, 'I did it on purpose, 'Umar."' (Related by Ahmad, Muslim and others.)

Said Anas ibn Malik, "The Prophet, upon whom be peace, used to make ablution for every prayer." He was asked, "And what did you people use to do?" Malik said, "We prayed the prayers with one ablution unless we nullified it." (Related by Ahmad and al-Bukhari . )

Abu Hurairah reported that the Prophet said, "Were it not to be a hardship on my people, I would order them to make ablution for every prayer." (Related by Ahmad with a hassan chain.)

Ibn 'Umar reported that the Prophet, upon whom be peace, said, "Whoever makes ablution while he is already in a state of purity will have ten good deeds written for him."~´(Related by Abu Dawud, at-Tirmizhi, and Ibn Majah.)

Fiqh 1.43: Notes of importance concerning ablution

It is permissible to speak while performing ablution. There is nothing reported from the sunnah that prohibits it.

Making supplications while washing the extremities is based on false hadith. It is best for the person to use only the supplications mentioned under the Sunnah Acts of Ablution.

If the person who is making ablution has a doubt concerning how many times he has washed a

particular part of the body, he should go by the number he is certain about.

If any barrier or substance with weight, such as wax, is found on the body, it would invalidate one's ablution unless it is removed and the ablution is performed again. Coloring, like henna, is permissible, as it does not affect the ablution's correctness.

People with unusual circumstances (i.e. women with "prolonged flows of blood"), people who cannot control their urine, people with flatulence, and so on, should perform one ablution for each prayer whether their problem exists all or part of the time. Their prayers will be acceptable even while their problems are occuring.

One may be assisted by others in performing ablution.

One may use a towel to dry himself during any time of the year.

## Fiqh 1.44: Proof of its legitimacy

Wiping over the socks is part of the sunnah. An-Nawawi states, "All those who qualify for ijma' (consensus) agree that it is allowed to wipe over the socks--during travelling or at home, if needed or not--even a woman who stays at home or a handicapped person who cannot walk can do so. The Shi'ah and Khawarij reject it, but their rejection is not valid. Says Ibn Hajr in Fath al-Bari, "All of the preservers (of hadith) are of the opinion that wiping over the socks has come through a continuous transmission. Some have collected all of its narrations (from among the companions), and its number exceeds eighty. This includes hadith from the ten pepole who were promised Paradise." The strongest hadith on this point has been related by Ahmad, al-Bukhari, Muslim, Abu Dawud and at-Tirmizhi on the authority of Hammam anNakha'i who said, "Jarir ibn 'Abdullah urinated, performed ablution and wiped over his socks." It was said to him, "You do that and you have urinated?" He said, "Yes, I saw the Messenger of Allah, upon whom be peace, urinate and then do likewise." Said Ibrahim, "They were amazed at that hadith, because Jarir had embraced Islam after surah al-Ma'idah was revealed (10 AH). One of its verses calls for washing one's feet. This hadith helps us understand the verse by confining it to one who is not wearing socks. This constitutes a particular case, and the person who wears socks can just wipe over them.

## Fiqh 1.44 a: Wiping over slippers

It is allowed to wipe over slippers, as this has been related from many companions. Says Abu Dawud, "Wiping over sandals (has been done by) 'Ali ibn Abu Talib, Ibn Mas'ud, al-Barra' ibn 'Aazib, Anas ibn Malik, Abu Umamah, Sahl ibn Sa'd and 'Amr ibn Hareeth. It has also been related from 'Umar ibn al-Khattab and Ibn 'Abbas." 'Ammar, Bilal ibn 'Abdullah ibn Abu Aufi and Ibn 'Umar also have hadith on this subejct. In Ibn alQayyim's Tahzhib as-Sunan, he relates from Ibn al-Munzhir, "Ahmad made a statement about the permissibility of wiping over slippers because of his fairness and justice. Nevertheless, the basis of this permissibility is the practice of the companions and a manifest analogy. There is no real difference between socks and slippers. It is correct that they take the same ruling. Most scholars say that one can wipe over either one." Those who permit it include Sufyan al-Thauri, Ibn al-Mubarak, 'Ata, al-Hasan and Sa'eed ibn alMusayyab. Commenting on this subject, Abu Yusuf and Muhammad said, "It is allowed to wipe over them if they are thick and completely hide what they cover."

Abu Hanifah did not approve of wiping over thick slippers, but he changed his mind three or seven days before his death. He wiped over his slippers during his illness and said to his visitors, "I did what I used to tell people not to do." Al-Mughirah ibn Shu'bah reported that the Messenger of Allah, upon whom be peace, made ablution and wiped over his socks and slippers. This is related by Ahmad, at-Tahawi, Ibn Majah and at-Tirmizhi, who called it hassan sahih. Abu Dawud graded it weak.2

As it is permissible to wipe over socks so is it permissible to wipe over any foot covering, which has been used to avoid the cold or protect the wound, and so on. Of its permissibility, Ibn Taimiyyah says,

"It is all right to wipe over foot covering because it takes precedence over wiping socks or slippers, for usually a foot covering is used for some need and to protect the feet from some harm. If wiping over the socks and slippers is allowed, then wiping over any foot covering should come first. Whoever claims that there is a consensus on the inadmissibility of wiping over foot coverings does so with a lack of knowledge. Not to speak of a consensus, he cannot prove its forbiddance even from the works of ten famous scholars." He goes on to say, "Whoever ponders over the words of the Messenger of Allah, upon whom be peace, and gives analogy its proper place, will know that the license from him was spacious on this subject and in accord with the beauty of Islamic law and the monotheistic magnanimity with which the Prophet had been sent." Even if there are some holes or cuts in the socks, it is permissible to wipe over them, as long as the person has only such socks to wear. Says al-Thauri, "The slippers of the emigrants and helpers were not free of cuts or holes, like the slippers of the people (in general). If this were a matter of concern, it would have been mentioned and related by them."

## Fiqh 1.45: Conditions for wiping over the socks

One must have put his socks (or whatever covering he is using) while in a state of purity.

Said al-Mughirah ibn Shu'bah, "I was with the Messenger of Allah, upon whom be peace, one night during an expedition. I poured water for him to make ablution. He washed his face and arms and wiped his head. Then I went to remove his socks and he said, 'Leave them on, as I put them on while I was in a state of purity,' and he just wiped over them." (Related by Ahmad, al-Bukhari and Muslim).

Al-Humaidi related in his Musnad that al-Mughirah reported, "We said, 'O Messenger of Allah, may we wipe over our socks?' He said, 'Yes, if you put them on while you were in a state of purity." The stipulations by the jurists that the socks must completely cover the foot to the ankle, and that one must be able to walk (a distance) in them alone, has been shown by Ibn Taimiyyah in his al-Fatawa to be weak.

## Fiqh 1.46: The place to be wiped on a sock

Islamic law prescribes that the top of the sock is to be wiped.

Said al-Mughirah, "I saw the Messenger of Allah, upon whom be peace, wipe over the top of his socks." (Related by Ahmad, Abu Dawud and at-Tirmizhi, who called it hassan.) 'Ali observed, "If the religion was based on opinion, the bottom of the sock would take preference in being wiped to the top of the sock." (Related by Abu Dawud and ad-Daraqutni with a hassan or sahih chain.) What is obligatory in the wiping is what is meant by the lexicographical meaning of the word "wipe." There are no specifications authentically mentioned with respect to the wiping.

## Fiqh 1.46 a: The duration of the wiping

For the resident, this period is one day and night. For the traveller, it is three days and nights. Said Safwan ibn 'Assal, "We were ordered (by the Prophet) to wipe over the socks if we were in a state of purity when we put them on, for three days if we were travellers, and for one day and night if we were residents. We did not remove them unless we were in post-sex impurity." (Related by ash-Shaf~i, Ahmad, Ibn Khuzaimah, at-Tirmizhi, and an-Nasa'i, who graded it sahih.)

Shuraih ibn Hani said, "I asked 'Aishah about wiping over socks and she answered, 'For the traveller, three days and three nights; for the resident, one day and night." This hadith is related by Ahmad, Muslim, at-Tirmizhi, an-Nasa'i and Ibn Majah. Of its authenticity, al-Baihaqi says, "This is the most authentic report on this topic." Some say that the duration begins with the time of the wiping, while others say it begins from the time of nullifying the ablution after wearing the socks.

## Fiqh 1.46 b: The description of the wiping

After the person completes his ablution and puts on his socks or slippers, it is proper for him to wipe

over them later on when he wants to perform ablution. He is permitted to do that for one day and night if he is resident, and for three days and nights if he is a traveller. But if he is in post-sex impurity, he must remove his socks, in accordance with the preceding hadith of Safwan.

## Fiqh 1.47: What invalidates the wiping

The following invalidates the wiping:

1 The end of the permissible time period for wiping.

2 Post-sex impurity.

3 Removal of the socks. If (i) or (iii) occurs while the person was in a state of purity, he need only wash his feet.

## Fiqh 1.49: Ghusl, the complete ablution

Ghusl means to wash the entire body with water. Says Allah in the Qur'an, "If you are sexually impure, purify yourselves." And, "They question you concerning menstruation. Say: It is an illness, so let women alone at such times and do not have sex with them until they are cleansed" (al-Baqarah 222).

### Fiqh 1.49 a: Discharge of al-Mani owing to stimulation while asleep or awake

The opinion of the jurists in general is that ghusl is a must should one have a discharge of al-mani (sperm) owing to stimulation while asleep or awake. Abu Sa'eed reported that he heard the Messenger of Allah, upon whom be peace, say, "Water (washing) is (needed) after (ejaculation of) sperm." (Related by Muslim.)

Umm Salamah reported that Umm Sulaim said, "O Messenger of Allah, Allah is not ashamed of the truth. Does a woman have to perform ghusl if she has a wet dream?" He said, "Yes, if she sees the liquid." (Related by al-Bukhari, Muslim and others.)

There are some other points of importance that need to be noted:

### Fiqh 1.49 b: If the sperm is discharged without any type of stimulation (owing to illness or extreme cold)

In this case, ghusl is not obligatory. 'Ali reported that the Prophet, upon whom be peace, said to him, "If sperm is ejaculated, perform ghusl." (Related by Abu Dawud).

Said Mujahid, "We were in a meeting in the mosque with the companions of Ibn 'Abbas (Tawus, Sa'eed ibn Jubair and 'Ikrimah). When he stood to pray, a man came in and said, 'Is there one who can give a legal verdict?' We said, 'Ask your question.' He said, 'Whenever I urinate, a liquid always follows it.' We asked, 'Is it the type of liquid that gives birth to children?' He said, 'Yes.' We said, 'Then you have to perform ghusl.' The man went away. Ibn 'Abbas hurried to finish his prayer, after which he told 'Ikrimah to bring the man back. He turned to us and said, 'Is your verdict found in the Book of Allah?' We said, 'No.' He asked, 'Is it based on the sayings of the Prophet, upon whom be peace?' We said, 'No.' 'Then from what?' We said, 'From our opinion.' He said, 'That is why the Messenger of Allah said that one learned man is more difficult for Satan than a thousand worshippers.' The man came and faced Ibn 'Abbas, who said to him, 'When that happens, is it owing to any stimulation?' He answered, 'No.' Ibn 'Abbas asked, 'Do you feel any numbness in your body?' He answered, 'No.' Said Ibn 'Abbas, 'That is from the cold. Ablution is sufficient.'"'

## Fiqh 1.50: If one has a wet dream but does not find any traces of ejaculation

There is no need for ghusl in this instance either. Ibn al-Munzhir said, "All of the knowledgeable people known to me agree on this point." The hadith of Umm Salamah mentioned earlier supports this proposition.

Fiqh 1.50 a:

If one wakes from sleep and finds some moistness, but does not recall any wet dream, though he is sure it is sperm, what should he do? To be safe, he should perform ghusl. Said Mujahid and Qatadah, "There is no need for ghusl until he is sure that it is sperm, for his prior condition of purity is not ended by an uncertainty .

Fiqh 1.50 b: If a man squeezes his penis to prevent ejaculation

This also makes ghusl unnecessary. This is based on the hadith which states that ghusl is required if the sperm can be seen. But, if the person walks and cannot control his ejaculation. he must perform ghusl.

Fiqh 1.51: Sperm on the clothes during prayer

If a man does not know how the sperm got on his clothes, and he has already prayed, should he perform ghusl and repeat all of his prayers since the last time he slept? If he thinks that it happened before his most recent sleep, he should repeat all of his prayers since the supposed time of his ejaculation .

Fiqh 1.51 a: Touching the two circumcised parts

This refers to the penis and the vagina. If one's penis has entered his wife's vagina, ghusl is obligatory even if there was no ejaculation. Says Allah, "If you are sexually impure, purify yourselves." Commenting on the subject, ash-Shaifi says, "In the Arabic language, sexual impurity refers to any type of sexual intercourse, regardless of whether sperm was ejaculated or not. If someone says, 'So and so is sexually impure due to so and so,' it refers to any type of sexual intercourse between them, even if there was no ejaculation. No one disagrees that the fornication which requires the prescribed punishment is sexual intercourse, even if there is no ejaculation."

Abu Hurairah reported that the Prophet, upon whom be peace, said, "When anyone sits between the four parts of her body and exerts himself (has intercourse), bathing becomes obligatory (for both)." (Related by Ahmad and Muslim.)

Sa'eed ibn al-Musayyab reported that Abu Musa al-Ash'ari said to 'Aishah, "I would like to ask you something, but I am embarrassed." She said, "Ask and don't be shy, for I am your mother." He asked about a man who had intercourse but did not ejaculate. She said, on the authority of the Prophet, "If the two circumcised parts encountered each other, ghusl is obligatory." This hadith is related by Ahmad and Malik with different wordings. There is no doubt that there must be insertion; if there is only touching, ghusl is not obligatory for either. All scholars agree on this point.

Fiqh 1.51 b: Women and their period

Concerning menstruation and childbirth bleeding, Allah says in the Qur'an, "Do not approach them until they become pure. When they are pure, go to them in the manner that Allah has prescribed for you." The Messenger of Allah, upon whom be peace, said to Fatimah bint Abu Habish, "Do not pray during your period. After it has ended, perform ghusl and pray." (Related by al-Bukhari and Muslim.)

Post-childbirth bleeding is treated in a similar manner, according to the consensus of the companions. If a woman gives birth and has no flow of blood afterwards, some scholars say that she must perform ghusl, while others say that it would not be necessary. There is no textual authority on this latter point.

**Fiqh 1.52: Death**

When a Muslim dies, it is obligatory to wash his or her body, according to the consensus of the Muslims. This will be discussed in more detail later on.

**Fiqh 1.52 a: A non-Muslim upon embracing Islam**

New converts to Islam must perform ghusl. Abu Hurairah reported that Thumamah al-Hanafi was captured. The Prophet, upon whom be peace, passed by him and said, "What do you have to say for yourself, O Thumamah?" He said, "If you kill me, you would be killing a relative. If you give me a bounty (set me free), I would be thankful. If you want wealth (as a ransom), we can give you what you wish." The companions of the Prophet preferred the ransom and said, "What would we get if we killed him?" One time when the Prophet passed by him, he finally embraced Islam. The Prophet, upon whom be peace, untied him and told him to go to the garden of Abu Talhah and perform ghusl. He performed ghusl and prayed two rak'ah. The Prophet said, "Indeed, your brother became a fine Muslim." This hadith is related by Ahmad. There is also a source for the story in reports by al-Bukhari and Muslim.

**Fiqh 1.52 b: Prayer**

**Fiqh 1.52 c: Circumambulating the Ka'bah**

The reasoning behind this can be found in What actions require the ablution as a prerequisite.

**Fiqh 1.52 d: Touching or carrying the Qur'an**

The companions were all agreed that it is forbidden to touch or carry the Qur'an while one is in a state of impurity. There are some jurists, such as Dawud ibn Hazm, who allow the physically unclean person, whether because of sex or menstruation, to touch or carry the Qur'an, and they see nothing wrong with this. He derives his support from a hadith in the two Sahihs in which it is stated that the Prophet sent a letter to Heraclius saying, "In the name of Allah, the Compassionate, the Merciful...O people of the book, come to a statement that is common between us and you, that we should worship none but Allah, and that we shall ascribe no partner unto Him, and that none of us shall take others for lords besides Allah. If they turn away, then say 'Bear witness that we are they who have surrendered (unto Him)." (al'Imran 64). Ibn Hazm concludes, "This is the letter the Messenger of Allah wrote, containing this verse, to the Christians, and of course they touched it." The majority of scholars answer him by stating that one is allowed to touch parts of the Qur'an that are used in letters, books, tafsir, and so on, as such things are not copies of the Qur'an, nor is it confirmed that such an action is forbidden.

**Fiqh 1.53: Reciting the Qur'an**

According to most scholars, one who is physically unclean (because of sex or menstruation) may not recite any portion of the Qur'an. This is based on a hadith from 'Ali, in which he stated that nothing kept the Messenger of Allah, upon whom be peace, from the Qur'an save being sexually impure. This is related by "the four." At-Tirmizhi graded it sahih. Says al-Hafez in al-Fath, "Some people declare some of its narrators weak. But, in fact, it is of the hassan class and it is satisfactory as a proof." He also related, "I saw the Messenger of Allah perform ablution and recite some of the Qur'an, after which he said, 'This is for the one who is not in post-sex impurity. If one is in post-sex impurity, he may not do so, not even one verse." Ahmad and Abu Ya'la related this hadith with that wording. With that wording, al-Haithami says, "Its narrators are trustworthy." Says ash-Shaukani, "If that (report) is authentic, that is proof enough that it is forbidden." The first hadith does not forbid it, for it just states that it was his practice not to recite the Qur'an while he was in post-sex impurity. Similar reports do not show that it is disliked. Therefore, how can it be used as a proof that it is forbidden?" Al-Bukhari, at-Tabarani, Dawud, and Ibn Hazm are of the opinion that it is permissible for one who is in post-sex impurity (or in menstruation) to recite the Qur'an. Says al-Bukhari, "Ibrahim said, 'There is no problem if a menstruating woman recites a verse.' Ibn 'Abbas did not see anything wrong with a sexually impure person reciting the Qur'an. The Prophet, upon whom be peace, used to mention Allah under all

circumstances." In Ibn Hajr's notes to that work, he says, "There is no authentic hadith reported by the author (al-Bukhari) concerning the prohibition of reciting by one who is sexually impure or menstruating." The sum total of what has been related on this issue informs us on this point, though the interpretations differ.

### Fiqh 1.54: Staying in the mosque

It is forbidden for one who is physically unclean (because of sex or menstruation) to stay in the mosque. 'Aishah said, "The Messenger of Allah, upon whom be peace, saw that his companions' houses were practically in the mosque. He said, 'Direct those houses away from the mosque.' He then entered the mosque, but the people did nothing, hoping that Allah would reveal to Muhammad that what they were doing was permissible. After he came out, he said, 'Direct those houses away from the mosque, for it is not permitted for a menstruating woman or sexually impure person to be in the mosque." (Related by Abu Dawud.)

Umm Salamah related that the Prophet, upon whom be peace, came to the mosque's courtyard and said at the top of his voice, "The mosque is off limits to menstruating women and the sexually impure persons." (Related by Ibn Majah and at-Tabarani.) Such people can, however, pass through the mosque, for says Allah, "O you who believe, draw not near unto prayer when you are drunk until you know that which you utter, nor when you are impure save when journeying upon the road, until you have bathed" (an-Nisa' 43). Said Jubair, "One of us used to pass through the mosque though he was impure." (Related by Ibn Abu Shaibah and Sa'eed ibn Mansur in his Sunan.) Zaid ibn Aslam said, "The companions of the Messenger of Allah, upon whom be peace, used to walk through the mosques while they were sexually impure." (Related by Ibn al-Munzhir.) Yazib ibn Habib reported that the companions' doors opened up into the mosque, and that when they were sexually impure, they could find no water or any path to water save through the mosque. Then Allah revealed, "...nor when you are impure, save journeying upon the road..." (Related by at-Tabari.)

Commenting on the preceding reports, ash-Shaukani says,"The meaning is so clear that there is no room for doubt." Said 'Aishah, "The Prophet said to me, 'Hand me my cloth from the mosque.' I said, 'I am menstruating.' He said, 'Your menstruation is not in your hand." (Related by the group, except for al-Bukhari.) Said Maimunah, "The Messenger of Allah used to come to one of our rooms while we were menstruating and put his head on (his wife's) lap and recite the Qur'an. Then one of us would take his clothes and put them in the mosque while she was menstruating." (Related by Ahmad and an-Nasa'i. The report has supporting evidence.)

### Fiqh 1.55: Actions for which ghusl is preferred

This category of actions involves a reward for performing ghusl, and no blame if he does not. Such actions are:

### Fiqh 1.55 a: Before the Friday prayer

Muslims are encouraged to perform ghusl before they gather for the Friday prayer. In fact, Islamic law even goes to the extent of ordering one to perform ghusl at this time as part of the overall cleanliness and hygiene of the Muslim society. Abu Sa'eed reported that the Prophet said,"Ghusl on Friday is obligatory (wajib) on every adult, as is using a toothbrush and applying some perfume." (Related by al-Bukhari and Muslim.)

The meaning of "obligatory" here is that it is greatly recommended. This understanding of the Prophet's saying is derived from what al-Bukhari recorded about an incident from Ibn 'Umar about his father. One day, 'Umar ibn al-Khattab was standing and delivering the khutbah when 'Uthman, one of the people from among the emigrants and helpers, entered. 'Umar said to him, "What time is it now?" He said, "I was busy and could not return home. When I heard the call to prayer, I did not make more than the regular ablution." 'Umar said, "And the ablution only, when you know that the Messenger of Allah ordered us to perform ghusl ?" Commenting on the incident, says ash-Shaf'i, " 'Uthman did not leave the prayer to perform ghusl, nor did 'Umar order him to do so. This illustrates that the companions

knew that this order was one of choice. It also shows that it is preferred."

Muslim recorded that Abu Hurairah reported the Prophet saying, "Whoever makes the ablution and perfects it and then goes to the Friday prayer and listens attentively, will have forgiveness during (the period) between the Friday and the next (Friday), and an additional three days." Says al-Qurtubi, "This hadith shows that ghusl is preferred. The mention of ablution, the reward and acceptability points to the fact that ablution alone is sufficient." Ibn Hajr states in at-Talkhis, "It is one of the strongest proofs that ghusl for the Friday prayer is not obligatory. The statement that it is preferred is built upon the fact that if one does not perform ghusl, it will not harm (his prayer). But, if others are harmed by his perspiration or bad smell from his clothes and body, ghusl becomes obligatory, and not performing it detracts from the rewards of salah. Some scholars say that the Friday ghusl is a duty even if its non-performance causes no harm (to others). Their basis for this opinion is the hadith related by Abu Hurairah in which the Prophet, upon whom be peace, said, "It is a duty upon every Muslim to perform ghusl once every seven days, by washing his head and body." Al-Bukhari and Muslim accept the hadith mentioned on the subject in their apparent meanings, and refute the ones contrary to the last hadith (of Abu Hurairah).

The time for the Friday ghusl is between dawn and the time of the Friday prayer. It is preferable to do it at the time of departure (to the mosque). If one loses his ablution after that, it is sufficient for him just to make a new ablution (he does not have to repeat the ghusl).

Says al-Athram, "I heard Ahmad being asked if a person performed ghusl, and then lost it, would the regular ablution be sufficient for him. He said, 'Yes, and I have not heard anything about that preferable to the hadith of Ibn 'Abzi," Ahmad is referring to the hadith related by Ibn 'Abzi Shaibah (with a sahih chain from 'Abdurahman ibn 'Abzi on the authority of his father, who was a companion.) He performed ghusl for the Friday prayer, and afterwards nullified his ablution. After that, he performed just the regular ablution, and did not repeat his ghusl. The time for the ghusl ends with the time of the prayer. If one performs ghusl after the prayer, it would not be the ghusl of the Friday prayer, and one who does so is not following the Prophet's order. Ibn 'Umar reported that the Prophet said, "Before you come to the Friday prayer, you should perform ghusl. (Related by "the group.") Muslim says, "When one of you wants to come to the Friday prayer, he should perform ghusl." Ibn 'Abdul-Barr related that there is a consensus on this point.

## Fiqh 1.56: Performing ghusl for the 'Id prayers

Scholars also encourage Muslims to perform ghusl for the 'id prayers, even though there is no authentic hadith to support this opinion. It says in al-Badr alMuneer, "The hadith concerning performing ghusl for the 'ids are weak. But there do exist good reports from the companions (on this point) . "

## Fiqh 1.56 a: Ghusl for washing a corpse

According to many scholars, performing ghusl is also preferred for one who has washed a corpse. Abu Hurariah reported that the Prophet, upon whom be peace, said, "Whoever has washed a corpse must perform ghusl, and whoever carried him must perform ablution." (Related by Ahmad, Abu Dawud, at-Tirmizhi, an-Nasa'i, Ibn Majah and others.) However, there is some criticism of this hadith. 'Ali ibn al-Madani, Ahmad, Ibn al-Munzhir, ar-Rafi' and others say, "The hadith scholars did not classify anything on this topic as authentic." But Ibn Hajr quotes at-Tirmizhi and Ibn Hibban: "At-Tirmizhi called it hassan and Ibn Hibban called it sahih. And, due to its numerous chains, it is most likely hassan. An-Nawawi strongly refutes what at-Tirmizhi said." Says azh-Zhahabi, "The chains of this hadith are stronger than a number of chains of the hadith that the jurists argue by." The order in the hadith implies preference, based on what has been related by 'Umar, who said, "We used to wash the dead. Some of us would perform ghusl and some would not." (Related by al-Khateeb with a sahih chain.) When 'Asma bint Umaish washed the body of her deceased husband, Abu Bakr as-Siddiq, she asked if there were any among the emigrants present, and said, "This day is extremely cold and I am fasting. Do I have to make gh usl?" They said, "No." (Related by Malik.)

## Fiqh 1.57: Making Ghusl for Hajj

According to the scholars, it is also preferable for one who is undertaking the pilgrimage or 'umrah to perform ghusl. Zaid ibn Thabit related that he saw the Messenger of Allah, when he intended to perform the hajj, perform ghusl. (Related by ad-Daraqutni, al-Baihaqi and at-Tirmizhi, who called it hassan. As-Usaili regarded it as weak.)

### Fiqh 1.57 a: Making Ghusl upon entering Makkah

It is preferable for whoever wants to enter Makkah to perform gh usl. It is reported that Ibn 'Umar, when going to Makkah, would spend the night in Tawa, and would enter Makkah during the day. He mentioned that the Prophet, upon whom be peace, also used to do this. (Related by al-Bukhari and Muslim.) Ibn al-Munzhir said, "All of the scholars say it is preferred to perform ghusl upon entering Makkah, but if one does not do so, there is no expiation for him to make. Most of them say that the regular ablution is sufficient.

### Fiqh 1.57 b: Making Ghusl at Mount 'Arafah

Such an act is preferred while one stops there during the hajj. Malik ibn Nafa' reported that Ibn 'Umar used to do so before embarking upon the hajj, upon entering Makkah, and while stopping at 'Arafah.

### Fiqh 1.57 c: The intention

This involves distinguishing the acts of worship from the customary acts. The intention is only in the heart, and should not be stated, as this would be tantamount to innovation.

### Fiqh 1.58: Washing all bodily parts

This is based on the following: Says Allah, "If you are sexually impure, cleanse yourselves," that is, perform ghusl, and "They ask you concerning menstruation. Say: 'It is an illness, so leave women alone at such times and go not in unto them until they are cleansed," that is, until they perform ghusl. The proof that cleansing means ghusl is in the verse, "O you who believe, draw not unto the prayer when you are drunk until you know what you utter, nor when you are polluted, save when journeying upon the road, until you have bathed (taghtasilu)." This shows that ghusl, the washing of all bodily parts, is meant.

### Fiqh 1.58 a: How ghusl is performed

According to the practice of the Prophet, upon whom be peace, the correct manner of performing ghusl is:

1 wash both hands three times,

2 wash the penis,

3 make a complete ablution (like the one made for prayer--the Prophet used to delay washing his feet until the end of his ghusl if he was using a tub, and so on),

4 rub water through one's hair three times, letting the water reach down to the roots of the hair,

5 pour water over the entire body, begining with the right side, then the left, washing under the armpits, inside the ears, inside the navel, inside the toes and whatever part of the body can be easily rubbed. This account is based on the following report from 'Aishah: "When the Prophet, upon whom be peace, took his bath after sexual intercourse, he would begin by washing his hands. Then he would pour water from his right hand to his left and wash his sexual organs, make the ablution for prayer, take some water and put his fingers to the roots of his hair to the extent that he sees that the skin is wet, then pour water over his head three times and then over the rest of his body." (Related by al-

Bukhari and Muslim.) In one narration it states, "He used to rub his head with his hands until he was certain the water reached his skin, and then he poured water over it three times." It is also related that she said, "When the Prophet would perform ghusl after having had sexual intercourse, he would call for some water, which he would pour on his right hand to wash the right side of his head and then the left. He would then take water with both hands and pour it over his head." Said Maimunah, "I put water out for the Messenger of Allah to perform ghusl. He washed his hands two or three times, and then he poured water from his right hand to his left and washed his private parts, wiped his hands on the earth, rinsed his mouth and nose, washed his face and hands, washed his head three times, poured water over his body, and finally moved from his place and washed his feet. I brought him a towel, but he did not take it, for he shook the water off with his hands." (Related by "the group.")

## Fiqh 1.59: Ghusl for women

A woman performs ghusl just as a man does, except that if she has plaited hair she does not have to undo it, provided that the water can reach the roots of her hair. Umm Salamah said, "O Messenger of Allah, I am a woman who has closely plaited hair on my head. Do I have to undo them for ghusl after sexual intercourse?" He said, "No, it is enough for you to throw three handfuls of water on your head and then pour water over yourself. After doing this, you shall be cleansed." (Related by Ahmad, Muslim and at-Tirmizhi, who called it hassan sahih.) 'Ubaid ibn 'Umair reported that 'Aishah discovered that 'Abdullah ibn 'Amr was ordering the women to undo their plaits of hair (for ghusl). She observed, "It is amazing that Ibn 'Amr orders the woment to undo the plaits of hair for ghusl. Why doesn't he just order them to shave their heads? I and the Messenger of Allah used to bathe from one vessel, and all I did was pour three handfuls of water over my head."(Related by Ahmad and Muslim.)

It is preferrable for a woman performing ghusl to cleanse herself from menstruation or post-childbirth bleeding to take some cotton smeared with musk or perfume and wipe it over the traces of blood. This will remove the bad smell of the menstrual blood. 'Aishah reported, "'Asma bint Yazid asked the Messenger of Allah about ghusl after menstruation has ended. He said, "She should use water mixed with the leaves of the lote-tree and cleanse herself. Then she should pour water over her head and rub it well till it reaches the roots of the hair, after which she should pour water over it. Afterwards, she should take a piece of cotton smeared with musk and cleanse herself with it." 'Asma asked, "How should she cleanse herself with it?" He said, "Praise be to Allah, she should cleanse herself with it." 'Aishah said in a subdued tone that she should apply it to the traces of blood. 'Asma then asked about bathing after sexual intercourse. He said, "She should take water and cleanse herself or complete the ablution, pour water on her head and rub it till it reaches the roots of her hair, and then she should pour water over herself." 'Aishah observed, "How good are the women of the 'helpers' that shyness does not keep them from learning their religion." (Related by "the group," except at-Tirmizhi.)

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## Fiqh 1.60: Questions related to Ghusl

It is sufficient to perform one ghusl for both menstruation and sexual impurity, or for the Friday prayer and the 'id prayer, or for sexual impurity and the Friday prayer, if one has the intention for both of them. This is based on the Prophet's saying, "All acts are based on intentions."

If a person performed post-sex ghusl but did not make ablution, the ghusl will suffice. Said 'Aishah, "The Messenger of Allah did not perform ablution after ghusl." Ibn 'Umar said to a man who had told him that he performed ablution after ghusl, "You went too far." Says Abu Bakr ibn al-'Arabi, "There is no difference of opinion among the scholars that ablution falls under the category of ghusl. If the intention was to remove sexual impurity, it also includes the minor impurities, as what sexual impurity prevents is greater than what the minor impurities prevent. The smaller one falls under the greater one, and the intention for the greater one suffices."

It is acceptable for a person in post-sex uncleanliness or a menstruating woman to remove their hairs, cut their nails, go to the markets, and so on, without any dislike. 'Ata said that such people can get cupped, cut their nails and their hair, and that this is allowed even if he (or she) has not performed the regular ablution. (Related by al-Bukhari).

One may enter a public bathroom. As long as he keeps his private parts from being seen, and he does not look at others' private parts. Says Ahmad, "If you know that everyone inside the bathroom is wearing a loincloth, you may enter. If not, then don't enter." The Prophet, upon whom be peace, said, "A man should not look at another man's private parts, and a woman should not look at another woman's private parts." There is no problem with mentioning Allah's name in the public baths, as mentioning the name of Allah under any circumstances is good, since there is no text prohibiting it. The Messenger of Allah used to remember Allah under all circumstances.

There is no problem in drying one's self with a towel or other cloth after performing ablution or ghusl during the summer or winter.

It is permissible for a man to use the water left over by a woman and vice-versa. This is derived from the fact that it is permissible for them to perform ghusl from the same container. Ibn 'Abbas narrated that some of the Prophet's wives were performing ghusl from a container. The Prophet came and performed his ablution or ghusl from it. They said to him, "We were sexually unclean." He said, "The water does not become impure." (Related by Ahmad, Abu Dawud, an-Nasa'i and at-Tirmizhi, who called it hassan sahih). 'Aishah used to wash with the Messenger of Allah from one container, and they would take turns taking water until he said, "Leave some for me, leave some for me."

It is not allowed to bathe in the nude in front of people. It is forbidden to uncover one's private parts. If you cover it with some clothes, it is permissible. The Messenger of Allah would cover Fatimah with a curtain when she performed ghusl. If one performs ghusl in the nude, far away from the people, it is not prohibited. The prophets Musa (Moses) and Ayyub (Job) did so, as al-Bukhari, Ahmad, and an-Nasa'i recorded.

## Fiqh 1.63: Tayammum, the dry ablution

Definition. Literally tayammum means "aim, purpose." In Islamic law, it refers to "aiming for or seeking soil to wipe one's face and hands with the intention of preparing oneself to pray, and so on."

## Fiqh 1.63 a: Proof of its legitimacy

This is proven by the Qur'an, sunnah and ijma' (consensus). The Qur'an says, "And if you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you do not find water, then go to high clean soil and rub your face and hands (therewith). Lo, Allah is Benign, Forgiving" (an-Nisa': 43). From the sunnah we have the hadith related by Abu Umamah in which the

Prophet, upon whom be peace, said, "All of the earth has been made for me and my nation a pure place of prayer. Whenever a person from my nation wants to pray, he has something with which to purify himself, that is, the earth." (Related by Ahmad.) Finally, there is a consensus that tayammum forms a legitimate part of the shari'ah, as it replaces ablution or ghusl under specific circumstances.

### Fiqh 1.63 b: Blessing from Allah

This form of ablution is viewed as a blessing from Allah to the Muslims. Jabir relates that the Prophet, upon whom be peace, said, "I have been given five things that were not given to anyone before me: I have been made victorious due to fear for a distance of one month's journey; the earth has been made a place of prayer for me--wherever and whoever of my nation wants to pray, he may pray; and the war booty has been made lawfal for me, and this was not lawful for anyone before me. I have been given permission to intercede. The prophets used to be raised for their own people only, but I have been raised for all of mankind." (Related by al-Bukhari and Muslim.)

### Fiqh 1.64: The reason for its legitimacy

Said 'Aishah, "We went out with the Messenger of Allah on one of his journeys until we reached Baida'. At this place, one of my bracelets broke and fell somewhere. The Messenger of Allah and others began to look for it. There was no water at that place, nor did anyone have any water with him. The people went to Abu Bakr and said, "Do you see what your daughter has done?" Abu Bakr came to me, while the Prophet was sleeping on my thigh. He blamed me and said to me whatever Allah willed him to say. He also poked me in my side. I could not move, for the Prophet, upon whom be peace, was sleeping on my lap. He slept until the morning without any water available. Then, Allah revealed the verse of tayammum. As-Sayyid ibn Huzhain said, 'That was not the first blessing from the family of Abu Bakr.' The camel that I was on got up and we found the necklace underneath it." (Related by "the group," except for at-Tirmizhi.)

### Fiqh 1.64 a: One cannot find water, or the amount one finds is insufficient for ablution

'Imran bin Husain said, "We were with the Messenger of Allah during a journey. When he led the people in prayer, one man stayed apart. He asked him, "What prevented you from praying?" He said, 'I need a post-nocturnal bath and there is no water.' He said, 'Use the soil, for it is sufficient.'" (Related by al-Bukhari and Muslim.)

Abu Zharr related that the Prophet, upon whom be peace, said, "The soil is a purifier for a Muslim, even if he does not find water for twenty years." (Related by "the four." At-Tirmizhi grades it hassan sahih.) But before one makes tayammum, he must look for water from any posible source. If he is sure water is not to be found or it is too far away, he does not have to look for it.

### Fiqh 1.64 b: One is injured or ill

If one is in this condition, and believes water will worsen it (he does not have to be absolutely sure, but may base his opinion on past experience or what a knowledgeable person has told him), he may perform tayammum. Jabir said, "We were on a journey and one of us got injured. Later, he had a wet dream. He asked his companions, 'Can I perform tayammum?' They said, 'No, not if you have water.' He performed ghusl and died. When they came to the Messenger of Allah, they informed him of what had transpired. He said, 'They killed him, Allah will kill them. Do you not ask if you do not know? The rescue of the ignorant person is the question. He could have performed tayammum and dropped water on his wound or wrapped it with something and wipe over the wrapping, and wash the rest of his body." This is related by Abu Dawud, Ibn Majah, ad-Daraqutni and Ibn as-Sakin, who said it is sahih.

### Fiqh 1.65: If the water is cold enough to physically harm the user

This is only allowed on the condition that he can find no one to heat it, or is unable to use the public bathrooms. 'Amr ibn al-'Aas narrated that he was participating in an expedition. He had a wet dream

during an extremely cold night, and was afraid that if he performed ghusl he would die. He prayed the morning prayer with his companions. He then went to the Messenger of Allah, upon whom be peace, to ask him about this. Muhammad said, "O 'Amr, did you pray with your companions while you needed a post-nocturnal bath?" 'Amr mentioned the verse, "Do not kill yourselves, Allah is merciful to you" to the Prophet. The Prophet just laughed and didn't say anything. (Related by Ahmad, Abu Dawud, al-Hakim, ad-Daraqutni, Ibn Hibban and al-Bukhari in mu'allaq form.) This example illustrated the Prophet's tacit approval.

### Fiqh 1.65 a: When water is nearby, but one does not want to fetch it due to fear

If one fears for his life, family, wealth, (for example, if an enemy is nearby--beast or human--or one is a prisoner, and so on), one may perform tayammum. This is also allowed if there is water but one lacks the proper means to get it, or if one fears some accusation against him if he gets it.

### Fiqh 1.65 b: If one is saving his water for later use

This could be for a hound, for dough, cooking or to remove an impurity that is not pardonable. Says Imam Ahmad, "Many of the companions performed tayammum to save their water for drinking." 'Ali said that a man who is travelling and becomes unclean because of sex or a wet dream can perform tayammum if he fears he will go thirsty: "He should perform tayammum and not ghusl." (Related by ad-Daraqutni.) Says Ibn Taimiyyah, "If a person needs to relieve himself but has only a small amount of water, it is best that he pray with tayammum and relieve himself, rather than keep his ablution and pray before relieving himself."

### Fiqh 1.66: One can get water, but fears that the prayer will be over by the time he gets it

He can perform tayammum and pray, and does not need to repeat his prayer (after he gets water).

### Fiqh 1.66 a: The soil used for tayammum

It must be pure soil: this can be sand, stone, gypsum, and so on. Says Allah, "Perform tyammum with pure soil," and all scholars of Arabic agree that "soil" is whatever covers the earth, dirt or otherwise.

### Fiqh 1.66 b: How to perform tayammum

First, one must have the intention (see the section on ablution). Then, he mentions Allah's name, strikes the soil with his hands, wipes his face and his hands up to the wrist. Nothing is more authentic and clear than what 'Ammar related. He said, "We became sexually impure and had no water, so we rolled in the dirt and prayed. This was mentioned to the Prophet and he said, 'This would have been enough for you,' and he struck the earth with his hands, blew in them and then wiped his face and hands with them." (Related by al-Bukhari and Muslim). In another text he states, "It would have been enough for you to strike the ground with your hands, blow into them, then wipe your face and hands up to the elbows." (Related by ad-Daraqutni.)

This hadith shows that one strike of the earth is sufficient, and one only wipes the arms to the wrists. It is from the sunnah that one who makes tayammum with dirt should blow into his hands first and not make his face dusty or dirty.

### Fiqh 1.66 c: What tayammum makes permissible

After doing so, he is pure and may do any of the acts requiring prior purification, such as praying and touching the Qur'an. He does not have to perform it during the time of prayer, and he may pray as many prayers as he wishes (unless he nullifies it), exactly as he can after performing the regular ablution. Abu Zharr reported that the Prophet said, "The soil is a purifier for a Muslim, even if he does not find water for twenty years. Then if he touches water, that is, to make ablution, and so on, it would

be good." This is related by Ahmad and at-Tirmizhi, who said it is sahih.

### Fiqh 1.66 d: What nullifies tayammum

In addition to the presence of water, everything that nullifies the ablution nullifies tayammum. If a person prays after performing tayammum and then finds water, he does not need to repeat his prayer even if there is time left to do so. Abu Sa'eed al-Khudri said, "Two men went out on a journey. The time of prayer came and, as they had no water, they performed tayammum. Then they found some water during the time of the same prayer. One of them repeated his prayer with ablution and the other did not. When they saw the Messenger of Allah, they asked him about the proper procedure in such a case. He said to the one who did not repeat his prayer, 'You have acted according to the sunnah and your prayer is sufficient for you.' He said to the other, 'You will get a double reward.'" (Related by Abu Dawud and anNasa'i.) If one comes across water before he prays or finishes his prayer with tayammum, his prayer becomes null and void, for he must make ablution with water. If a person is not clean because of sex or a wet dream, or a woman is menstruating, and they pray after performing tayammum, they need not repeat their prayer after finding water, but they must perform ghusl with water when they can. 'Umar said, "The Prophet led the people in prayer, and afterwards saw a man who had not prayed. He said, 'Why didn't you pray with us?' The man replied, 'I was sexually unclean and there was no water.' He told him, 'Use the soil, and it will be enough.' 'Imran then mentioned that they later found water. The Prophet, upon whom be peace, brought a bowl of water for the man and told him to perform ghusl. (Related by al-Bukhari.)

### Fiqh 1.67: Wiping Over Casts, Wrappers and Similar Items

It is allowable to wipe over any wrapper or diseased or injured bodily part. There are many hadith on this point, and although they are all weak, their many chains strengthen each other, making them valid to talk about. One hadith, that of Jabir (quoted earlier), relates a story about a man who was on a journey and suffered an injury. While he slept, he had a wet dream, after which he asked his companions if he could perform tayammum. They said he could not, so he made ghusl and died because of it. When that was mentioned to the Prophet, he said "They killed him, may Allah kill them. Do you not ask about what you do not know? ... It would have been enough for him to perform tayammum and drop a little water over his wound or else wipe it, then to wipe it and wash the rest of the body." This is related by Abu Dawud, Ibn Majah, ad-Daraqutni and Ibn as-Sakin, who classified it as sahih. Ibn 'Umar used to do this.

In fact, it is obligatory to wipe over such casts or wrappers in ablution or ghusl instead of washing the injured parts. This must be done even if he has to heat the water. But, if he believes that this would harm the diseased or injured part, or that his condition may worsen, or that his pain would increase, he may wipe the injured part with water. If he fears that this would also be harmful, he should wrap it and then gently wipe over it. It is not necessary for him to be in a state of purity while applying the cast or wrapper to be wiped. There is also no time limit for such wipings, for he can do so as long as his condition lasts. Removing the wrapper or cast nullifies the wiping, as does the final cure.

### Fiqh 1.68: The Prayer of One Who Has no Means of Purifying Himself

Whoever cannot get water or soil may pray in whatever state he is in, and he will not have to repeat his prayer later. This is based on what Muslim related from 'Aishah. She had borrowed some jewelry from 'Asma and it broke (and fell). The Messenger of Allah, upon whom be peace, sent some people to search for it. The prayer time came and they had to pray without ablution. When they came to the Prophet, they complained to him and the verses of tayammum were revealed. Usaid ibn Huzhair said, "May Allah give you good recompense. Allah never reveals an order with respect to you except that He removes by it some hardship and gives the Muslims some benefit." The companions prayed while in a state of impurity, but the Prophet did not admonish them nor did he order them to repeat their prayers. Says an-Nawawi, "That is the strongest statement of proof (on this question)."

### Fiqh 1.69: Menstruation

In Arabic, the word for menstruation (haizh) literally means "running." Here it refers to the discharge of blood during a woman's state of health, not from giving birth or breaking the hymen.

Most scholars say that its time begins at the age of nine. If blood is seen before that age, it is not menstrual blood, but is considered to be putrid blood. As there is no evidence about when a woman stops menstruating, if an elderly lady finds blood flowing it is considered menstrual blood.

### Fiqh 1.69 a: Requirements for blood to be considered menstrual

1 Dark. Once, when Fatimah bint Abu Habash had a prolonged flow of blood, the Prophet told her, "If it is the blood of menstruation, it will be dark and recognizable. If it is that, then leave the prayer. If it is other than that, then make ablution and pray, for it is only due to a vein." This is related by Abu Dawud, an-Nasa'i, Ibn Hibban and ad-Daraqutni, who said all of its narrators are trustworthy. Al-Hakim also related it, and said that it meets Muslim's standards.

2 Red. It is the original color of blood.

3 Yellow. It is a liquid, like pus.

4 A muddy color. It is an intermediate color between black and white, like dirt.

Malik and Muhammad al-Hassan ( and al-Bukhari in mu'allaq form) recorded that women would send 'Aishah small boxes with yellow-stained cotton, and she would tell them, "Do not be in haste until you see the pure white cotton." If the discharge is yellow or muddy during the days of menstruation, it is to be considered as part of the menses. During other days, it is not regarded as such. Umm 'Atiyyah said, "After we were pure, we did not consider the yellow or muddy discharge to be anything." This is related by Abu Dawud and al-Bukhari, but without the words "...after we were pure.. ."

### Fiqh 1.70: There is no stated minimum or maximum length of time for the menses

All statements dealing with this topic have no sound backing. If a woman has a customary length of time for her menses, she should according to it. Umm Salamah asked the Prophet about a woman with a prolonged flow of blood. He said, "She should look for the number of days and nights that she usually has her menses and the time of the month during which it occurs. Then she should leave the prayer (during those days, and then afterwards) perform ghusl, tie something around her vagina and pray." (Related by "the five," except for at-Tirmizhi.) If she has no customary period to go by, then she can try to distinguish between the different types of blood. This practice is based on the previously quoted hadith of Fatimah bint Abu Hubaish, which states that menstrual blood is distinguishable and well-known to women.

All scholars agree that there is no minmum or maximum time limit between two menstrual periods. Some say that the latter period is fifteen days, while others say it is three days.

### Fiqh 1.70 a: Post-Childbirth bleeding

Such bleeding occurs after the birth of a child, regardless if the child survived the birth or not. This type of bleeding has no minimum duration, for it could stop right after the birth, or there could even be no blood. Therefore, her confinement would end and she would be obliged to fast, pray, and so on. The maximum duration is forty days. Said Umm Salamah, "During the lifetime of the Prophet, the post-childbirth woman would be in confinement for forty days." (Related by "the five," except for an-Nasa'i.)

After recording the hadith, at-Tirmizhi states, "The knowledgeable companions, the following generation and those that came later agree that a woman experiencing post-childbirth bleeding had to stop praying for forty days unless her blood stopped. If her bleeding stops before that time, she is to make ghusl and start praying. If she sees blood after forty days, most scholars say that she is not to stop praying."

### Fiqh 1.71: Forbidden Acts for Women Experiencing Menstruation and Post-Childbirth Bleeding

All acts forbidden for a person who has not yet cleansed himself from sex or a wet dream are prohibited to women in these two conditions, as these are considered major impurities. But, there are also two further prohibitions:

### Fiqh 1.71 a: They cannot fast, menstruating women

If women fast, their fasting will be considered null and void. If they fast during the month of Ramadan, they will still have to make those days of fasting up later on. Mu'azhah said, "I asked 'Aishah, 'Why must we make up the fasts missed due to our menstruation, and not the prayers?' She said, 'That was what the Messenger of Allah told us to do. We were ordered to make up the fasts, and we were ordered not to make up the prayers." (Related by "the group.")

### Fiqh 1.71 b: She can not engage in sexual intercourse

Said Anas, "When a Jewish woman was menstruating, her husband would not eat or sleep with her. The companions asked the Prophet, upon whom be peace, about that, and Allah revealed: "They question you concerning menstruation. Say: 'It is an illness, so let women alone at such times and go not in unto them until they are cleaned. And when they have purified themselves, then go in unto them as Allah has enjoined upon you. Truly, Allah loves those who turn unto Him and loves those who have a care for cleanliness" (al-Baqarah 222). The Messenger of Allah also said, "Do everything except intercourse." (Related by "the group," except for al-Bukhari.)

In his comments on the subject, an-Nawawi states, "If a Muslim believes it is permissible to have intercourse with his menstruating wife, he becomes an unbelieving apostate. If he does it, not thinking that it is permissible, but out of forgetfulness or not knowing that it is forbidden or not knowing that his wife was menstruating, then there is no sin or expiation upon him. If he does it on purpose, knowing that it is forbidden, he has committed a grave sin and must repent. There are two opinions on this: the more correct one is that there is to be expiation." He further says, "All scholars say that one may touch anything above the navel or below the knees. Most scholars say that it is permissible to touch what is between the navel and the knees, but not the vagina or anus." An-Nawawi concludes that it is permitted but hated, as that is the strongest position from the evidence . This evidence is based upon the practice of the Prophet's wives: when he wished to be with them during their period, they would put something over their vagina. (Related by Abu Dawud.) Al-Hafez observes, "Its chain is strong." Masruq ibn al-Ajda' asked 'Aishah, "What is off limits to me sexually during my wife's menstruation?" She said, "Nothing, except the vagina." (Related by alBukhari in his Tarikh.)

### Fiqh 1.72: Women with Prolonged Flows of Blood

Islam defines such an occurrence as the flowing of blood outside of the regular time. This usually happens in three specific cases. In the first case, the woman knows that her flow of menstrual blood is lasting longer than usual. In such a case, she will act according to her customary period, and the remainder will be considered days of prolonged blood flows. This is based on the hadith of Umm Salamah, in which she asked the Messenger of Allah, upon whom be peace, about this condition. He said, "She should wait for the days and nights of her normal period and figure them out of the month, and she should leave the prayer during those days. (Afterwards) she should perform ghusl, tighten something around her vagina and then pray." (Related by Malik, ash-Shafi and "the five," except for at-Tirmizhi.)

Evaluating the report, an-Nawawi says, "Its chain meets the conditions (of al-Bukhari and Muslim)." Al-Khattabi holds, "That regulation is for the woman who is experiencing prolonged blood flows. If the blood is flowing, the Prophet ordered her to leave the prayer during her regular period, and to perform ghusl after her customary time has passed. Then, she becomes just like any other purified person."

In the second case, a woman does not know her period well enough to determine if she is experiencing menstrual bleeding or a prolonged flow of blood. In that case, her menstruation is considered to be six or seven days, which is the most common among women.

Said Jamnah bint Jahsh, "I had a very strong prolonged flow of blood. I went to the Prophet to ask him about it. When I asked him if I had to stop praying and fasting, he said 'Tie around a cloth, and it will stop.' I said, 'It is greater than that.' He said, 'Curb it.' I said, 'It flows greatly.' He then said, 'You may do one of two things: either one will suffice. Which one you are able to do you know best. This is a strike from Satan. Be on your period for six or seven days, which Allah knows, and then perform ghusl until you see that you are clean. Pray for fourteen nights or thirteen nights and days and fast, and that will be sufficient for you. Do that every month as the other women become pure and menstruate. If you can, you may delay the noon prayer and hasten the afternoon prayer. Perform gh usl and pray the noon and afternoon prayers together. Then delay the sunset and hasten the night prayers and pray them together. Perform ghusl for the morning prayer and pray it. This is how you may pray and fast if you have the ability to do so..." And he said, "That is the more loved way to me."

As to the authenticity of the hadith, it is related by Ahmad, Abu Dawud and at-Tirmizhi, who grades it as hassan sahih. He says, "I asked al-Bukhari about it, and he called it hassan." Ahmad ibn Hanbal says it is hassan sahih.

Al-Khattabi observes, in a note to this hadith, that this is for the woman who is a "beginner" and does not know her regular days of menstruation. The Prophet told her to act according to the customary situation of women, and to consider herself as having her period only once a month, like most women. His statement, 'As women menstruate and as they become pure' points to this fact. This is by analogy to the affairs of women with respect to each other in menstruation, pregnancy, maturity and other affairs of theirs."

In the third case, a woman has a regular period, but she is able to distinguish the blood. She should, therefore, behave according to the type of blood she sees. Fatimah bint Abu Hubaish had a prolonged flow of blood, and the Prophet told her, "If it is menstrual blood, it is dark and recognizable. If you have that, abstain from the prayer. If it is other than that, make ablution and pray, for it is a vein."

Women who fall into any of these categories must abide by the following regulations:

### Fiqh 1.73: Ghusl, menstruating women

She does not have to perform ghusl for every prayer, except for the one time when her period or blood flow has ended.

### Fiqh 1.74: She must make ablution for every prayer, menstruating women

Said the Prophet, "Make ablution for every prayer." According to Malik, this is only preferred and not obligatory (unless she nullifies her ablution, of course).

### Fiqh 1.74 a: Keeping the blood in check, menstruating women

She is to wash her vagina before she makes ablution, and she should wear something which soaks up the blood. It is preferred for her to do what she can to keep the blood in check.

### Fiqh 1.74 b: Ablution, menstruating women

She should not make ablution before the prayer's time begins.

### Fiqh 1.74 c: Sex, menstruating women

She may have intercourse with her husband even while the blood is flowing, according to most scholars, because there is no evidence to the contrary. Said Ibn 'Abbas, "If she can pray, her husband can have intercourse with her." Al-Bukhari says that if she is pure enough for prayer, she certainly must be pure enough for intercourse. Abu Dawud and al-Baihaqi related that 'Akramah bint Hamnah had a prolonged flow of blood and that her husband had intercourse with her. An-Nawawi holds its chain to be hassan.

### Fiqh 1.74 d: What she can do, menstruating women

She is to be considered a pure person, and she may pray, fast, remain in the mosque, recite the Qur'an, touch a copy of the Qur'an, and so on.

### Fiqh 1.75: Prayer

The prayer is a type of worship consisting of specific statements and actions. It is begun by pronouncing the greatness of Allah, and is concluded with salutations of peace. As prayer is the essence of Islam, we will discuss it here in detail.

To state it simply, prayer must exist, for without it Islam can not stand. The Prophet, upon whom be peace, said, "The head of the matter is Islam, its pillar is the prayer, and the top of its hump is jihad in the way of Allah." It was the first act of worship that was made obligatory by Allah. Its obligation was revealed directly to the Prophet, during his ascension to heaven. Said Anas, "The prayers were made obligatory on the Prophet, upon whom be peace, the night of his ascension to heaven. At first, they were fifty in number, but were reduced several times until they were five. Then it was proclaimed, 'O Muhammad, the order is not changed. These five are (equivalent) to the fifty.''

As to the authenticity of the report, it is related by Ahmad, an-Nasa'i and at-Tirmizhi, who said it is sahih.

Salah is the first act that the person will be held accountable for. 'Abdullah ibn Qart related that the Messenger of Allah, upon whom be peace, said "The first act that the slave will be accountable for on the Day of Judgement will be prayer. If it is good, then the rest of his acts will be good. And if it is evil, then the rest of his acts will be evil." (Related by at-Tabarani.) It is the last thing that the Prophet, upon whom be peace, recommended to his nation before he died, saying, "Prayer, prayer and what your right hand possesses." It will be the last thing taken away from the religion. When it perishes, Islam will perish. The Messenger of Allah, upon whom be peace, said, "If Islam were stripped away, piece by piece, people would hold tight to the next one. The first thing taken would be ruling and governance, and the last thing would be prayer." (Related by Ibn Hibban from the hadith of Abu Umamah.) In many verses of the Qur'an, Allah follows up prayer with the remembrance of Allah. "Lo! Worship preserves (one) from lewdness and iniquity, but verily, remembrance of Allah is more important." (al-'Ankabut 45); "He is successful who grows and remembers the name of his Lord, so pray (al-A'la 14-15); "So serve Me and establish worship for My remembrance" (Taha 74). Sometimes He mentions prayer along with zakah: "Establish prayer and pay zakah" (al-Baqarah 110). And at times, with patience: "Seek help in patience and prayer" (al-Baqarah 45), and with hajj: "So pray unto your Lord and sacrifice" (al-Kauthar 2); "Say: Lo! my worship and my sacrifice and my living and my dying are for Allah, Lord of the Worlds. He has no partner. This am I commanded, and I am the first of those who surrender (unto Him)" (al-An'am 162-163). At other times, Allah begins the acts of piety with prayers and ends with them, as in the verses about the ma'arij (ascension to heaven): "Successful indeed are the believers who are humble in their prayers," and the verses, "And who pay heed to their prayers. These are the heirs who will inherit Paradise. There will they abide" (al-Mu'minun 1-29-11).

The importance of salah is so great that one is ordered to observe it while travelling or not, while one is safe or in fear: "Be guardians of your prayers, and of the mid-most prayer, and stand up with devotion to Allah. And if you go in fear, then (pray) standing or on horseback. When you are safe, remember Allah, as He has taught you that which (heretofore) you knew not" (al-Baqarah 238-239).

### Fiqh 1.76: Allah explains how to pray during fear, safety or wartime

"And when you are among them and arrange their prayers for them, let only a party of them stand with you (to worship) and let them take their arms. Then, when they have performed their prostrations, let them fall to the rear and let another party come to pray with you, and let them take their precautions and arms. They who disbelieve long for you to neglect your arms and your baggage, that they may attack. It is no sin for you to lay aside your arms, if rain impedes you or if you are sick. But take your precautions. Lo! Allah prepares for the disbelievers shameful punishment. When you have performed your prayer, remember Allah, standing, sitting and reclining. And when you are in safety, observe your prayer properly. Prayer at fixed hours has been enjoined on the believers" (an-Nisa' 102-103).

### Fiqh 1.77: Allah also strongly warns those who tamper with their prayers or are heedless

Says Allah in the Qur'an, "Now there has succeeded them a later generation who have ruined their prayers and have followed lusts. But they will meet deception" (Maryam 59); "Ah, woe unto worshippers who are heedless of their prayers" (al-Ma'un 4-5).

### Fiqh 1.77 a: Prayer is one of the most important acts in Islam

Prayer is one of the most important acts in Islam, and thus it requires a special guidance

Ibrahim asked his Lord to give him descendants who abided by their prayers: "My Lord! Cause me and (some) of my offspring to remain constant in prayer. And O our Lord! Accept my supplication" (Ibrahim 40).

### Fiqh 1.77 b: One Who Ignores His Prayers

Not praying and denying its obligation is seen as disbelief and places the person outside the religion of Islam. All scholars agree on this piont. They base their opinion on several hadith, some of which are:

Jabir reports that the Prophet, upon whom be peace, said, "Between a person and disbelief is discarding prayer." (Related by Ahmad, Muslim, Abu Dawud, at-Tirmizhi and Ibn Majah.)

Buraidah reported that the Prophet, upon whom be peace, said, "The pact between us and them is prayer. Whoever abandons it is a disbeliever." (Related by Ahmad, Abu Dawud, at-Tirmizhi, anNasa'i and Ibn Majah.)

'Abdullah ibn 'Amr ibn al-'Aas reported that the Prophet, upon whom be peace, one day mentioned the prayer and said, "Whoever guards and observes his prayer, they will be a light and a proof and a savior for him on the Day of Resurrection. Whoever does not guard and obvserve them, they will not be a light or a proof or a savior for him. On the Day of Resurrection, he will be with Qarun, Fir'aun, Haman and Ubayy ibn Khalf." (Related by Ahmad, at-Tabarani and Ibn Hibban. Its chain is excellent.)

That one who does not pray will be with the leaders of the unbelievers in the Hereafter makes it evident that such a person is an unbeliever. Says Ibn al-Qayyim, "The one who does not pray may be preoccupied with his wealth, kingdom, position or business. If one is kept away from his prayers by his wealth, he will be with Qarun. One whose kingdom keeps him away from the prayers will be with Haman, and one whose business keeps him away from the prayers will be with Ubayy ibn Khalf."

Says 'Abdullah ibn Shaqiq al-'Aqeely, "The companions of Muhammad, peace be upon him, did not consider the abandonment of any act, with the exception of prayer, as being disbelief." (Related by at-Tirmizhi and al-Hakim, who said it met al-Bukahri's and Muslim's conditions.)

Says Muhammad ibn Nasr al-Mirwazi, "I heard Ishaq say, 'It is authentic (that) the Prophet (said or ruled): One who does not pray is an unbeliever." It is from the Prophet himself that one who intentionally does not pray until the time for the prayer is over is an unbeliever."

**Says Ibn Hazm, "It has come from 'Umar, 'Abdurahman ibn 'Auf, Mu'azh ibn Jabal, Abu Hurairah and other companions that anyone who skips one obligatory prayer until its time has finished becomes an apostate. We find no difference of opinion among them on this point." This was mentioned by al-Munzhiri in at-Targheeb wa atTarheeb. Then he comments, "A group of companions and those who came after them believed that an intentional decision to skip one prayer until its time is completely finished makes one an unbeliever. The people of this opinion incude 'Umar ibn al-Khattab, 'Abdullah ibn Mas'ud, 'Abdullah ibn 'Abbas, Mu'azh ibn Jabal, Jabir ibn 'Abdullah and Abu ad-Darda'. Among the non-companions who shared this view were Ibn Hanbal, Ishaq ibn Rahwaih, 'Abdullah ibn al-Mubarak, an-Nakha'i, al-Hakim ibn 'Utaibah, Abu Ayyub as-Sakhtiyani, Abu Dawud at-Tayalisi, Abu Bakr ibn Abu Shaibah, Zuhair ibn Harb, and others.**

**Some hadith make it clear that such a person should be killed. For example:**

**Ibn 'Abbas reported that the Prophet, upon whom be peace, said, "The ties of Islam and the principles of the religion are three, and whoever leaves one of them becomes an unbeliever, and his blood becomes lawful: testifying that there is no god except Allah, the obligatory prayers, and the fast of Ramadan." (Related by Abu Ya'la with a hassan chain.) Another narration states, "If anyone leaves one of them, by Allah he becomes an unbeliever and no voluntary deeds or recompense will be accepted from him, and his blood and wealth become lawful." This is a clear indication that such a person is to be killed.**

**Ibn 'Umar related that the Messenger of Allah, upon whom be peace, said, "I have been ordered to kill the people until they testify that there is no god except Allah, and that Muhammad is the Messenger of Allah, and they establish prayer and pay the zakah. If they do that, their blood and wealth are protected from me save by the rights of Islam. Their reckoning will be with Allah." (Related by al-Bukhari and Muslim.)**

**Umm Salamah related that the Prophet, upon whom be peace, said, "There will be rulers over you who will do good and evil things. Whoever hates these (latter) acts will be innocent of them. Whoever denies them will be safe, but (not) one who accepts and follows them." They asked, "Should we kill them?" He said, "Not if they pray." (Related by Muslim.) Therefore, he made it unlawful to kill even an unjust ruler who observes his prayers.**

**Abu Sa'eed reported that 'Ali, while he was in Yemen, sent the Prophet some gold, which he then divided among four people. A man said, "O Messenger of Allah, beware of Allah." The Prophet said, "Woe to you. Of all the people of the earth, am I not the most dutiful in being aware of Allah?" Khalid ibn al-Walid said, "O Messenger of Allah, shall I kill him?" He said, "Perhaps he is one of those who pray." Khalid said, "How many people say with their tongues what is not in their hearts?" The Prophet said, "I have not been ordered to look into the hearts of people, nor to rip open their bellies." (Abridged from al-Bukhari and Muslim.) In this hadith also, prayer is given as the reason for not killing a person. It is understood, therefore, that not praying would have resulted in the person's killing.**

**Even though the preceding hadith clearly rule that one who discards salah becomes an unbeliever and should be killed, many early and later scholars (excluding Abu Hanifah, Malik and ash-Shafi) believe that such people become evildoers who must repent. If such a person does not repent, he is to be killed, that being the prescribed punishment, according to Malik, ash-Shai'i and others. Abu Hanifah maintains that such a person is not to be killed, but must be given a minor punishment and confined until he prays. They say the hadith that calls such people unbelievers refer to those who deny the prayers, and so on. They say that any other interpretation is contradicted by other texts. For example, Allah says, "Lo! Allah does not pardon one who gives Him partners. He pardons all save whom He wills" (an-Nisa' 116). There is also a hadith related by Abu Hurairah and recorded by Ahmad and Muslim in which the Prophet, upon whom be peace, said, "Every prophet has a special supplication that is answered. Every prophet hastened to make his supplication, but I concealed mine and will use it for my nation on the Day of Resurrection. It will be granted--Allah willing--to whoever dies without associating any partners with Allah." Al-Bukhari also recorded that Abu Hurairah reported that the Prophet, upon whom be peace, said, "The person who will be the happiest due to my intercession is the one who says, 'There is no god but Allah' sincerely from his heart."**

Says ash-Shaukani, "The truth of the matter is that he becomes an unbeliever who is to be killed for his unbelief. The hadith authenticates that Islamic law calls one who does not pray an unbeliever. It has also put the performance as the barrier between a believer and an unbeliever. Abandoning prayer means he may be called an unbeliever. We need not concern ourselves with arguments presented by those of the opposing opinion. We can say to them: It is not impossible that some types of unbelievers may obtain forgiveness or may have a right to intercession, such as the unbelief of those who pray to ( our) qiblah. Nevertheless, the fact remains that they commit some sins which the Islamic law views as unbelief. To turn to the other narrow interpretations is just redundant."

## Fiqh 1.80: Who Must Pray

Prayer is obligatory upon every sane, adult Muslim. 'Aishah related that the Messenger of Allah, upon whom be peace, said, "The pen is raised for three (meaning: there is no obligation upon three): one who is sleeping until he wakens, the child until he becomes an adult, and one who is insane until he becomes sane."

As to the authenticity of this report, it is recorded by Ahmad, Abu Dawud, at-Tirmizhi, an-Nasa'i, Ibn Majah, and al-Hakim, who grades it sahih according to the criterion of al-Bukhari and Muslim. At-Tirmizhi classifies it as hassan.

Although it is not obligatory for a child to pray, it is a must that his guardian order him to do so when he is seven, and he should beat him if he does not pray after he reaches the age of ten. A minor should practice praying until he reaches puberty. 'Amr ibn Shu'aib related from his father on the authority of his grandfather that the Prophet, peace be upon him, said, "Order your children to pray when they reach the age of seven. Beat them (if they don't pray) when they reach the age of ten. And have them sleep separately."

The hadith is related by Ahmad, Abu Dawud, and al-Hakim. The latter grades it sahih according to Muslim's criteria.

## Fiqh 1.81: The Number of Obligatory Prayers

The number of prayers prescribed by Allah is five. Ibn Mahyraiz narrated that al-Makhdaji, from the tribe of Kananah, heard Abu Muhammad--a man in ash-Shams--saying, "The witr prayer is obligatory." He said he went to 'Ubadah ibn as-Samit and informed him of this. 'Ubadah corrected him, saying, "Abu Muhammad is mistaken. I heard the Messenger of Allah, upon whom be peace, say 'Allah has laid five prayers upon His slaves. Whoever fulfills them and does not miss any of them will have a pact with Allah that He will let him enter Paradise. Whoever does not come with them will have no pact with Allah. If He wishes, He may punish him, and if He wishes, He may forgive him." (Related by Ahmad, Abu Dawud, an-Nasa'i and Ibn Majah.) In one version it states, "Or one who comes with a deficiency in them or who degrades their duties." Talhah ibn 'Ubaidullah narrated that a bedouin with unkempt hair came to the Messenger of Allah, upon whom be peace, and said, "O Messenger of Allah, inform me of what Allah has made obligatory on me as regards praying." He said, "Five prayers, unless you do others voluntarily." He asked the Prophet to inform him about fasting, and he said, "The fast of Ramadan, unless you do others voluntarily." Then he asked him about charity...and the Messenger of Allah informed him of the Islamic legislations. The bedouin then said, "By the One who has honored you, I shall not voluntarily add anything to it, nor shall I be deficient in what Allah has ordered me to do." The Messenger of Allah, upon whom be peace, then said, "He will enter Paradise if he is truthful (to what he said)." (Related by al-Bukhari and Muslim.)

## Fiqh 1.82: The Times of the Prayers

Each prayer has its own particular time at which it must be performed. Says Allah, "Prayer at fixed hours has been enjoined upon the believers" (an-Nisa' 103).

The Qur'an itself points to these different times

Allah says, "Pray at the two ends of the day and in some watches of the night. Lo! Good deeds annul evil deeds. This is a reminder for the mindful" (Hud 114). Surah al-Isra' states, "Establish prayer at the setting of the sun until the dark of the night, and (the recital) of the Qur'an at dawn. Lo! The recital of the Qur'an at dawn is ever witnessed" (al-Isra' 78), and "Celebrate the praises of your Lord before the rising of the sun and before its setting. Glorify Him some hours of the night and at the two ends of the day, that you may find acceptance" (Taha 130). This verse specifically refers to the dawn prayer and the afternoon prayer, as it is recorded in the two Sahihs. Jarir ibn 'Abdullah al-Bajali reported, We were sitting with the Messenger of Allah and we looked at the moon on a clear night. The Prophet said, 'You will see your Lord as you see this moon, and you will not be harmed by seeing Him. So, if you can, do not let yourselves be overpowered in the case of prayer before the rising of the sun and its setting,' and he recited the above verse."

Those are the times of the prayers that the Qur'an mentions. From the sunnah, we have the following:

'Abdullah ibn 'Amr reported that the Messenger of Allah, upon whom be peace, said, "The time of the noon prayer is when the sun passes the meridian and a man's shadow is the same length as his height. It lasts until the time of the afternoon prayer. The time of the afternoon prayer is until the yellowing of the sun (during its setting). The time of the evening prayer is as long as twilight. The time of the night prayer is to the middle of a night of medium duration. And the time of the morning prayer is from the appearance of the dawn until the time of sunrise. When the sun rises, abstain from praying, as it rises between the horns of Satan." (Related by Muslim. )

Jarir ibn 'Abdullah narrated that the angel Gabriel came to the Messenger of Allah and said to him, "Stand and pray," and they prayed the noon prayer when the sun had passed its meridian. He then came to him for the afternoon prayer and said,"Stand and pray," and they prayed the afternoon prayer while the length of a shadow of something was similar to the length of the object. Then he came a t sunset and said, "Stand and pray," and they prayed the sunset prayer when the sun had just disappeared. Then he came at night and said, "Stand and pray,"and they prayed the night prayer when the twilight had disappeared. He cameagain when dawn broke (and they prayed the morning prayer). Then Gabriel came on the next day at noon and said (to the Messenger of Allah), "Stand and pray," and they prayed the noon prayer when the length of the shadow of something was close to the length of the object. Then he came for the afternoon prayer and said, "Stand and pray," and they prayed when the shadow of something was twice as long as the length of the object. Then he came at the same time (as the previous day) for the sunset prayer, without any change. Then he came for the night prayer after half of the night had passed ("or," he said, "one-third of the night"). Then he came when the sky was very yellow and said, "Stand and pray," and they prayed the morning prayer. Then Gabriel said, "Between these times are the times for the prayers."

As to the authenticity of the report, it is recorded by Ahmad, an-Nasa'i and at-Tirmizhi. Al-Bukhari observes, "It is the most authentic report concerning the prayer times."

## Fiqh 1.83: The Time for the Noon Prayer (Zhuhr)

The previous two hadith make it clear that the noon prayer begins when the sun passes its meridian and it continues until an object's shadow is approximately the same length as the object itself. If it is extremely hot, it is preferred to delay the noon prayer until it is cooler. This is done in order to retain the humility and awe of the prayer. If this is not the case, it should be prayed early in its time. This opinion is based on the following hadith: Reported Anas, "If it was extremely cold, the Prophet, upon whom be peace, would pray early. If it was extremely hot, he would wait for it to cool down." (Related by al-Bukhari.) Abu Zharr relates, "We were with the Prophet, upon whom be peace, on a journey. When the caller to prayer wanted to give the azhan, the Prophet said 'Let it cool down.' This happened two or three times, until we saw the shadows of the hills. Then the Prophet said, 'The extreme heat is from the fragrance of Hell. If the heat becomes extreme, delay the prayer until it becomes cool." (Related by al-Bukhari and Muslim.) However, this delay does have a limit. According to Ibn Hajr's Fath al-Bari, "The scholars differ over how long one may wait to let the temperature cool. Some say, 'Until the shadow of an object becomes an arm's length,' or 'Until the shadow becomes one-fourth of one's height.' Others say one-third or one-half, and so on. Its ruling is according to its basic

principle, and it changes with different circumstances, provided that the prayer is not delayed until the end of its time."

### Fiqh 1.84: The Time for the Afternoon Prayer ('Asr)

This prayer begins in the afternoon when the shadow of an object is of the same length as the object itself, and continues until the sun sets. Abu Hurairah reported that the Prophet, upon whom be peace, said, "Whoever catches one rak'ah of the afternoon prayer before the sun sets and then prays the remainder of the prayer after the sun has set has not missed the afternoon prayer."

The best and most preferred time to pray the afternoon prayer ends when the sun becomes yellowish on the horizon. This is implied by the preceding hadith of Jabir and 'Abdullah ibn 'Umar. To delay the prayer until the sun becomes yellowish, although it is permissiable, is greatly disliked, unless there is some need to do so. Anas reported that he heard the Prophet, upon whom be peace, say, "The following is the prayer of the hypocrite: he waits until the sun is between the horns of Satan, then he gets up and prays four quick rak'ah, and he does not remember Allah therein save a little bit." (Related by "the group," except for al-Bukhari and Ibn Majah.)

Says an-Nawawi in his commentary on Sahih Muslim, "Our companions (the Shafiyyah) hold that the afternoon prayer time can be divided into five categories: the most virtuous time, the preferred time, the allowable time in which there is no disliked aspect, the allowable time that contains some aspect of dislike, and the time that is due to some excuse or necessity. The most virtuous time is at the beginning of the permissible time. The preferred time is until the shadow of an object is twice the length of the object itself. The permissible time without any aspect of dislike is from the time the sun becomes yellowish. The permissible time with some aspect of dislike is from the time the sun becomes yellowish until the setting of the sun. The time of excuse or necessity begins, in fact, at the time of the noon prayer for one who is to combine the noon and afternoon prayers, due to travelling or rain. If the afternoon prayer is made during any of those times, it has been fulfilled properly. If all of those times pass and the sun has set, then one must make up the prayer."

On a cloudy day, it should be prayed earlier in its time. Buraidah al-Aslami reported, "We were with the Messenger of Allah, upon whom be peace, during a battle and he said, "Hasten in praying on a cloudy day, for one who misses the afternoon prayer has destroyed all of his works." (Related by Ahmad and Ibn Majah.)

Of the subjecat, Ibn al-Qayyim says, "Leaving the prayer is of two types: leaving it completely and never praying it (which destroys all of one's deeds), and leaving it during a particular day, which destroys all of the deeds of that day."

### Fiqh 1.85: The Afternoon Prayer is the "Mid-most" Prayer

Says Allah in the Qur'an, "Observe and guard the prayers and the mid-most prayer, and stand with total submission to Allah. Authentic hadith have made it clear that the afternoon prayers is the "mid-most" prayer.

'Ali reported that the Prophet, upon whom be peace, said on the day of al-Ahzab (the battle of the clans), "May Allah fill their graves and houses with fire, as they kept us preoccupied from the "mid-most" prayer until the sun had set." (Related by al-Bukhari and Muslim. Muslim, Abu Dawud and Ahmad have "the afternoon prayer" inserted after "the mid-most" prayer.")

Explaining the context of this hadith, Ibn Mas'ud said, "The idol-worshippers kept the Prophet from the afternoon prayer until the sun had become reddish and yellowish. The Messenger of Allah said, "They kept us preoccupied from the "mid-most" prayer, the afternoon prayer--may Allah fill their bellies and graves with fire."' (Related by Ahmad, Muslim, and Ibn Majah.)

### Fiqh 1.85 a: The Time for the Sunset Prayer (Maghrib)

The time for the sunset prayer begins with the disappearance of the sun and lasts until the red twilight ends. 'Abdullah ibn 'Amr reported that the Prophet, upon whom be peace, said, "The time for the sunset prayer is when the sun has disappeared and the twilight has not gone." (Related by Muslim.) Abu Musa related that a man asked the Prophet about the prayer times, and he mentioned the hadith which states that he ordered the sunset prayer when the sun had set and, on the next day, he prayed it when the red twilight was ending and he said, "The time (for the sunset prayer) is between these two times."

An-Nawawi says in his commentary on Sahih Muslim, "It is the opinion of the research scholars of our companions (the Shaf'iyyah) that ... it is allowed to delay it as long as it is twilight. It is allowed to begin the prayer at any time during that period. There is no sin in delaying it from its earliest time." Concerning the earlier quoted hadith in which Gabriel led the prayers and prayed the sunset prayer at the same time on both days, it only shows that it is greatly preferred to perform the sunset prayer as early as possible. This point is made clear by some other hadith:

As-Sa'ib ibn Yazid related that the Messenger of Allah, upon whom be peace, said, "My nation will always be along the natural path as long as they pray the sunset prayer before the stars appear." (Related by Ahmad and at-Tabarani).

In Ahmad's Musnad it is related from Abu Ayyub al-Ansari that the Prophet said, "Pray the sunset prayer when the fasting person breaks his fast and when the stars are about to appear."

In Sahih Muslim it is related from Rafa' ibn Khadeej that "We prayed the sunset prayer with the Messenger of Allah, and one of us would leave (afterwards) and would still be able to see where he shot his arrow, (because there was still so much light left in the sky)."

In Sahih Muslim it is recorded from Salamah ibn al-Aku' that the Messenger of Allah, upon whom be peace, would pray the sunset prayer when the sun had set and disappeared ( behind the horizon).

### Fiqh 1.86: The Time of the Night Prayer ('Isha)

This prayer begins when the red twilight disappears and continues up to half of the night. Reported 'Aishah, "They used to pray the night prayer between the disappearance of the twilight and the final third of the night's beginning." (Related by al-Bukhari.) Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "If it were not to be a hardship upon my nation, I would order them to delay the night prayer until a third or a half of the night had passed." (Related by Ahmad, Ibn Majah and at-Tirmizhi, who said it is sahih.) Reported Abu Sa'eed, "Once, we waited for the Messenger of Allah to lead the night prayer until half the night had passed, at which time he came and prayed with us. He said, 'Stay in your places of sitting while the people have gone to their places of lying down (for sleep), for you are in prayer as long as you are waiting for the prayer. If it were not for the weakness of the weak, the illness of the ill and the need of those who have needs, I would have delayed the time of this prayer to a half of the night."

As to the authenticity of this report, it is recorded by Ahmad, Abu Dawud, Ibn Majah, an-Nasa'i and Ibn Khuzaimah. Its chain is sahih). The hadith describes the best time to pray. As for the allowable time and the time due to need, it lasts until dawn. Abu Qatadah reported that the Messenger of Allah, upon whom be peace, said, "There is no negligence in sleeping, but the negligence lies in not praying a prayer until the time of the next prayer has come." (Related by Muslim.) This hadith shows that the time of every prayer continues until the beginning of the time for the next prayer, except for the morning prayer, as all scholars agree that its time lasts only until sunrise.

### Fiqh 1.87: Delay is Preferred in the Isha Prayer

It is most virtuous to delay the night prayer until the end of the preferred time for it, which is half the night. Reported 'Aishah, "One night the Prophet, upon whom be peace, prayed the night prayer after most of the night had gone and most of the people in the mosque had fallen aleep. Then he came out, prayed, and said, "This would be the proper time if it were not a hardship on my nation."' (Related by

Muslim and an-Nasa'i.) The Prophet, upon whom be peace, did not do this on a regular basis, as he heard that it would be a hardship on his nation. He would take into consideration the situation of those in the mosque. Sometimes he would hasten in performing the prayer and at other times he would delay it. Said Jabir, "The Messenger of Allah would pray the noon prayer during the hottest time of noon, the afternoon prayer when the sun was clear, the sunset prayer when the sun had gone down, and the night prayer he would sometimes delay and sometimes hasten if he found people gathered (in the mosque). If he noticed that they were lingering, he would delay it. He would pray the morning prayer while it was still dark." (Related by al-Bukhari and Muslim.)

### Fiqh 1.88: Sleeping Before the Night Prayer Is Forbidden

One should not sleep before the night prayer, nor have discussions after it. Abu Barza al-Aslami related that the Prophet, upon whom be peace, loved to delay the night prayer (which was called darkness, al-'atmah) and he hated sleeping before it and talking or discussions after it." (Related by "the group.") In another saying by Ibn Mas'ud, it is reported, "The Messenger of Allah ordered us not to talk after the night prayer." (Related by Ibn Majah.)

The reasons behind this are: sleep may make a person miss the night prayer in its best time, or it may cause him to miss the congregational prayer, and talking and socializing afterwards would cause one to misappropriate a time from which he could greatly benefit. If one wants to sleep and has someone to wake him up, or he is discussing a beneficial matter, then it is not disliked. Said Ibn 'Umar, "The Prophet would discuss with Abu Bakr some of the affairs of the Muslims during the night, and I was with him." (Related by Ahmad and at-Tirmizhi, who said it is hassan.) Reported Ibn 'Abbas, "I slept in the home of Maimunah one night when the Prophet, upon whom be peace, was there. I watched to see how the Prophet prayed during the night. He talked with his wife for a while and then slept." (Related by Muslim.)

### Fiqh 1.88 a: The Time of the Morning Prayer (Fajr)

The time of the morning prayer begins with the true dawn and lasts until sunrise. It is preferred to pray it early in its permissible time. Abu Mas'ud al-Ansari reported that the Messenger of Allah prayed the morning prayer in the darkness (of the dawn). Another time, he prayed it when the dawn was shining (or glowing). Then after that, he always prayed in the darkness (of the dawn) until he died." (Related by Abu Dawud and al-Baihaqi. Its chain is sahih.) Said 'Aishah, "Believing women would pray the morning prayer with the Prophet, upon whom be peace, being enveloped in their clothing. They would return to their homes after the prayer and no one could recognize them due to the darkness (of the dawn)." (Related by "the group.")

Rafa' ibn Khadeej related a hadith in which the Prophet, upon whom be peace, said, "Make the morning prayer at daybreak, as your reward will be greater." In another version it states, "Make the morning prayer at the shining (time of the dawn), as your reward will be greater." (Related by "the five." At-Tirmizhi and Ibn Hibban grade it as sahih.) It refers to the time that one finishes the prayer, not the time when one begins it. That is, one should make the recital long so that one is in prayer until the dawn becomes "shiny." This is what the Prophet, upon whom be peace, used to do, for he would recite between 60 and 100 verses. It also means to make sure that the dawn has come.

### Fiqh 1.89: Performing One Rak'ah During the Time of Prayer

Whoever catches a rak'ah of prayer before its time has expired has caught the entire prayer in its time. Abu Hurairah reported that the Prophet, upon whom be peace, said, "Whoever catches one rak'ah of the prayer has caught the prayer." (Related by "the group.") This refers to any of the prayers. Al-Bukhari has recorded, "Whoever of you catches one prostration of the afternoon prayer before the sun has set should complete his prayer. If one of you catches one prostration of the morning prayer before the sun has risen, he should complete his prayer." Here the meaning of prostration is rak'ah. The clear meaning of the hadith is that one who catches one rak'ah of the morning or afternoon prayer should complete the prayer even if the sun is setting or rising, also those are times in which it is not liked to pray. If one rak'ah is performed, then the prayer is to be completed and the obligation of prayer will

have been fulfilled, although it is not allowed to intentionally delay those prayers until such times.

## Fiqh 1.89 a: Sleeping Through or Forgetting the Prayer

Whoever sleeps through or has forgotten to pray a certain prayer should pray it when he wakes up or remembers the prayer. Abu Qatadah related that sleeping through the prayer time was mentioned to the Prophet, upon whom be peace, and he said, "There is no negligence in sleep, but negligence occurs while one is awake. If one of you forgets a prayer or sleeps through its time, then he should pray it when he remembers it."

As to the authenticity of the report, it is recorded by an-Nasa'i and at-Tirmizhi, who said it is sahih.

Anas related that the Prophet, upon whom be peace, said, "Whoever forgets a prayer should pray it when he remembers it, and there is no expiation for it save that." (Related by al-Bukhari and Muslim.) Reported 'Imran ibn Husain, "We went with the Messenger of Allah during the night. When the last portion of the night came, we became tired and fell asleep. We did not wake until we felt the heat of the sun. Some of us tried hurriedly to purify ourselves. The Prophet ordered us to be calm. Then we rode on until the sun had risen and we made ablution. He ordered Bilal to make the call to prayer, and then prayed two rak'ah before the (obligatory) morning prayer. Then we stood and prayed. We said, 'O Messenger of Allah, should we not repeat it tomorrow in its proper time?' He said, 'Would your Lord the Most High forbid you from interest and accept it from you?"' (Related by Ahmed and others.)

## Fiqh 1.90: The Times in Which the Prayers are Prohibited

It is forbidden to pray after the morning prayer until the sunrise and from the sunrise until the sun has completely risen to the length of a spear above the horizon, and when the sun is at its meridian until it moves sightly to the west, and after the afternoon prayer until the sun sets. Abu Sa'eed reported that the Prophet, upon whom be peace, said, "There is no prayer after the morning prayer until the sun rises." (Related by al-Bukhari and Muslim.) 'Amr ibn 'Abbas related that he said, "O Prophet of Allah, inform me about the prayers." He said, "Pray the morning prayer and then abstain from prayer until sunrise and the sun has completely risen, for it rises between the horns of Satan. That is when the unbelievers prostrate to it. Then pray, as your prayer will be witnessed and attended to until the shadow of a spear becomes less than its length. At that time stop praying, for at that time the hell-fire is fed with fuel. When the shade comes, you may pray, for your prayer will be witnessed and attended (to by angels) until you pray the afternoon prayer. Then abstain from praying until the sun sets, for its sets between the horns of Satan, and that is when the unbelievers make prostrations to it." (Related by Ahmad and Muslim.)

Said 'Uqbah ibn 'Amr, "There are three times during which the Prophet prohibited us from praying or burying our deceased: sunrise until the sun has risen (some distance), when the sun is at its meridian, and when the sun is setting until it has completely set." (Related by "the group," except for al-Bukhari.)

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Continued

### Fiqh 1.90 a: Opinions of the Jurists Concerning Prayer After the Morning and Night Prayers

Most scholars agree that one can make up missed prayers after the morning or afternoon prayers. This is based on the Prophet's words, "If someone forgets the prayer, he should pray it when he remembers it." (Related by al-Bukhari and Muslim.)

Concerning voluntary prayers, the following companions disliked such prayers during those times: 'Ali, Ibn Mas'ud, Abu Hurairah and Ibn 'Umar. 'Umar used to beat those who offered two rak'ah after the afternoon prayers (in the presence of other companions), and was not rebuked. Khalid ibn al-Waleed also used to do this. Those tabi'een who disliked such prayers were al-Hassan and Sa'eed ibn al-Musayyab. Abu Hanifah and Malik also hated such prayers. Ash-Sahf i reasoned that prayers at such times are allowable if the person has a reason for that prayer (the prayer of salutation to the mosque, or the prayers after one performs the ablution, and so on). He uses as a proof the fact that the Prophet, upon whom be peace, prayed the two noon sunnah rak'ah after the afternoon prayers. The Hanbaliyyah say that it is forbidden to pray during such times even if one has a reason to do so, except in the case of the two rak'ah for the circumambulation of the Ka'bah. This is based on the hadith from Jabir ibn Mut'am that the Prophet said, "O tribe of 'Abd Manat, do not prevent anyone from circumambulating this house (the Ka'bah) or from praying therein at any time they wish."

As to the authenticity of thie report, it is related by Abu Dawud, an-Nasa'i, at-Tirmizhi and Ibn Majah. At-Tirmizhi and Ibn Khuzaimah called it sahih.

### Fiqh 1.91: About Praying at Sunrise, Sunset and While the Sun is at its Meridian

The Hanifiyyah are of the opinion that prayer during such times is not valid, regardless of whether the prayer was obligatory or voluntary, or if one was making up a prayer or fulfilling a requirement. But, they make an exception for the afternoon prayer of that particular day and the funeral prayer (if the funeral is at any of these times, the funeral prayer is still to be made). They also permit the prostration in response to Qur'anic recitation if the respective verses were recited at such times. Abu Yusuf also makes an exception for voluntary prayers on Friday while the sun is at its meridian. The Shariyyah say that voluntary prayers which are not offered for a particular reason are disliked at such times. Obligatory prayers, voluntary prayers because of some occasion, voluntary prayers on Friday when the sun is at its meridian and the prayer of the circumambulation of the Ka'bah are all permissible at such times without any disliked aspects. The Malikiyyah say that voluntary prayers during sunrise and sunset are forbidden, even if there is some occasion for them. The same applies to a prayer that was vowed, prostration owing to Qur'anic recitation, and the funeral prayer (unless they fear some decay or alteration in the deceased). But they always allow prayer, voluntary or obligatory, at the time when the sun is at its meridian. Al-Baji wrote in his commentary to alMuwatta, "In al-Mubsut it is related from Ibn Wahb that Malik was asked about praying at mid-day and he said, 'I found the people praying at mid-day of Friday. Some hadith do not consider it desirable (to pray at such times), but I do not stop the people from praying. I do not like to pray at that time because it is not desirable to do so." The Hanbaliyyah say that no voluntary prayers should be made during such times, regardless of whether or not there is a reason for such prayers, and regardless of whether it is Friday or not, save for the prayer of salutations to the mosque on Friday (they allow this without any disike for it while the sun is at its meridian or while the imam is making his address). They also say that the funeral prayer is forbidden at that time, unless there is a fear of alteration or decay in the corpse. They allow the making up of missed prayers, the vowed prayers and the prayer of the circumabulation of the Ka'bah (even if it is voluntary) at any of these three times.

### Fiqh 1.92: Voluntary Prayer at Dawn Before the Morning Prayer

Yasar, the client of Ibn 'Umar, said, "Ibn 'Umar saw me while I was praying after the dawn had begun, and he said, 'The Messenger of Allah came to us while we were praying at this time and he said, 'Let your witness reach those who are absent that there is no prayer after (the beginning of) the dawn except two rak'ah."

As to its place in the corpus of hadith, it is recorded by Ahmad and Abu Dawud. Although the hadith is weak, its numerous chains strengthen each other.

We can conclude from this that it is disiked to make voluntary prayers beyond the two sunnah rak'ah after the dawn has begun. This was stated by ash-Shaukani. Al-Hassan, ash-Shaifi, and Ibn Hazm say voluntary prayers are permissible at that time without any aspect of dislike. Malik openly allowed prayers during that time for those who missed the voluntary prayers during the night due to some excuse. It is mentioned that it reached him that 'Abdullah ibn 'Abbas, al-Qasim ibn Muhammad, and 'Abdullah ibn 'Aamar ibn Rabi'ah would pray the witr prayer after the dawn had begun. Said 'Abdullah ibn Mas'ud, "It does not bother me if they make the iqamah (the second call) to prayer while I am praying witr." Yahya ibn Sa'eed reported, " 'Ibadah ibn as-Samit was the imam for the people. One day he went to the morning prayer and the caller to prayer made the iqamah for the prayer. 'Ibadah kept quiet until he prayed the witr prayer and then he led them in the morning prayer." Sa'eed ibn Jubair reported that Ibn 'Abbas slept (one night), woke up and told his servant, "Look to see what the people are doing." (By that time he had lost his eyesight). The servant returned and told him that they were dispersing from the morning prayer. Ibn 'Abbas then stood, prayed witr and prayed the morning prayer.

### Fiqh 1.93: Voluntary Prayers while the Iqamah Is Being Made

If the prayer has already started, it is disliked to preoccupy one's self with voluntary prayers. Abu Hurairah reported that the Prophet, upon whom be peace, said, "If the prayer is beginning, there is no prayer save the obligatory one." In another narration it states, "Save for the one for which iqamah has been made." (Related by Ahmad, Muslim, Abu Dawud, at-Tirmizhi, an-Nasa'i and Ibn Majah.)

Reported 'Abdullah ibn Sarjis, "A man entered the mosque while the Prophet was leading the morning prayer. The man prayed two rak'ah at the side of the mosque and then entered (the congregation) behind the Messenger of Allah. When the Prophet had finished the prayer he said, 'O so and so, which of the two prayers do you count --the one you prayed by yourself or the one you prayed with us?" (Related by Muslim, Abu Dawud and an-Nasa'i.) The Messenger objected to this act, but he did not order him to repeat his prayer. This shows that such a prayer is valid but disliked. Reported Ibn 'Abbas, "I was praying while the caller to prayer was making the iqamah. The Messenger of Allah pulled me and said, 'Do you pray four rak'ah for the morning (obligatory) prayer?" The hadith is related by al-Baihaqi, at-Tabarani, Abu Dawud, at-Tayalisi and al-Hakim, who said it is sahih according to the criterion of al-Bukhari and Muslim. Abu Musa al-Ash'ari related that the Prophet saw a man praying two rak'ah of the morning prayer while the caller to prayer was making the (second) call. The Prophet touched his elbow and said, "Shouldn't this be before that?" (Related by at-Tabarani. Al-'Iraqi says it is good.)

### Fiqh 1.95: Azhan, call to prayer

The azhan is a call to inform others in specific words that the time for a prayer has begun. It is a call to the congregation, and is an expression of the Islamic practices. It is obligatory or highly preferred. Al-Qurtubi and others have said that the azhan, although it has very few words, covers all essentials of the faith. It begins by proclaiming the greatness of Allah, pointing to His existence and perfection. It mentions His oneness and the denial of polytheism, and it confers the messengership of Muhammad, upon whom be peace. It calls to specific acts of obedience after testifying to Muhammad's messengership, and it calls to a prosperity which is everlasting, pointing to the return to Allah. Then, in a manner of emphasis, it repeats some of what was already mentioned.

### Fiqh 1.95 a: Azhan, its Virtues and Excellence

Many hadith describe the virtues of the azhan and the one who calls it. Such hadith include the following:

Abu Hurairah reported that the Prophet said, "If the people knew what was in the azhan and the first row (of the prayer in virtue), and that they could not get it save by drawing lots, they would draw lots. If they knew the reward for praying the noon prayer early in its time, they would race to it. And if they knew the reward for the night and the morning prayers in congregation, they would come to them even

if they had to crawl . " (Related by al-Bukhari and others. )

Mu'awiyyah reported that the Prophet, upon whom be peace, said, "The callers to prayer will have the longest necks of all people on the Day of Resurrection." (Related by Ahmad, Muslim, and Ibn Majah.)

Al-Barra' ibn 'Aazib reported that the Prophet, upon whom be peace, said, "Allah and His angels pray upon those in the first rows. And the caller to prayer is forgiven, for as far as his voice reaches and whoever hears him will confirm what he says. He will get a reward similar to those who pray with him." This hadith is related by Ahmad and an-Nasa'i. Al-Munzhiri says its chain is good.

Abu ad-Darda' reported that he heard the Prophet, upon whom be peace, say, "If three people do not make the azhan and establish the prayer among themselves, Satan gains mastery over them." (Related by Ahmad.)

Abu Hurairah reported that the Prophet, upon whom be peace, said, "The imam is a guarantor, and the caller to prayer is one who is given the trust. O Allah, guide the imam and forgive the caller to prayer."

'Uqbah ibn 'Aamar said he heard the Prophet, upon whom be peace, say, "Your Lord, the Exalted, is amazed (and pleased) by one who is watching sheep in his pasture, then goes to the mountain to make the call to prayer and pray. Allah, the Exalted, says, 'Look at my slave there who makes the call to prayer and establishes the prayer out of fear of Me. I have forgiven my slave and have allowed him to enter Paradise."' (Related by Ahmad, Abu Dawud and anNasa'i.)

## Fiqh 1.96: Azhan, The Event Behind Its Legislation

The azhan was made part of the shari'ah during the first year after the migration to Madinah. The hadith clarify what led up to its institution.

Nafa' related that Ibn 'Umar said, "The Muslims would gather and calculate the time of prayer, and no one would call them. They spoke about that one day. Some said, 'We should have a bell like the Christians.' Others said, 'We should have a horn like the Jews.' Suggested 'Umar, 'Why don't we have one person call the others to prayer?' The Messenger of Allah said, 'Stand, Bilal, and make the call to prayer." (Related by Ahmad and al-Bukhari.)

Reported 'Abdullah ibn (Zaid ibn) 'Abd Rabbih, "When the Prophet was to order the use of a bell to call the people to prayer, he disliked it because it resembled the Christian practice. While I was sleeping, a man came to me carraying a bell. I said to him, 'O slave of Allah, will you sell me that bell?' Said he, 'What would you do with it?' I replied, 'I would call the people to prayer with it.' Said he, 'Shall I not guide you to something better than that?' I said, 'Certainly.' Said he, 'You should say, Allahu akbar, Allahu akbar, Allahu akbar, Allahu akbar. Ashhadu alla ilaha illal-lah, ashhadu alla ilaha illallah, Ashhadu anna Muhammad ar-Rasool-lal-lah, ashhadu anna Muhammadar-Rasool-lal-lah. Hayya 'alas-salah, hayyah 'alassalah. Hayya 'alal-falah, hayya 'alal-falah. Allahu akbar, Allahu akbar. La ilaha illal-lah.' Then he went a short distance away and said, 'When you stand for the prayer, say, 'Allahu akbar, Allahu akbar. Ashhadu alla ilaha illal-lah, Ashhadu anna Muhammad ar-Rasool-lal-lah Hayya 'alas-salah, hayya 'alal-falah. Qad qaamatis-salah, qad qaamatis-salah. Allahu akbar, Allahu akbar. La ilaha illal-lah.'When the morning came, I went to the Messenger of Allah to tell him what I had seen. He said, 'Your dream is true, Allah willing. Go to Bilal, tell him what you have seen, and tell him to make the call to prayer, for he has the best voice among you.' I went to Bilal and told him what to do, and he made the call to prayer. 'Umar was in his house when he heard it. He came out with his cloak, saying 'By the One who has raised you with the truth, I saw similar to what he saw.' The Prophet, upon whom be peace, said, 'To Allah is the praise." The hadith is related by Ahmad, Abu Dawud, Ibn Majah, Ibn Khuzaimah and at-Tirmizhi, who called it hassan sahih.

## Fiqh 1.97: Azhan, How It Is Made

There are three ways to make the azhan:

1 Make four takbir at the beginning and say the rest of the phrases twice, without any repetition, except for the last statement of la illaha illa-lah. So, the azhan would be made up of fifteen phrases, as in the preceding hadith of 'Abdullah.

2 Make four takbir and then repeat ashhadu an la ilaha illal-lah, twice, and ashhadu anna Muhammad ar-Rasool-lal-lah twice, in a low voice, then repeat them again in a louder voice. Abu Mahzhura reported that the Prophet, upon whom be peace, taught him an azhan consisting of nineteen phrases. This hadith is related by "the five." At-Tirmizhi called it hassan sahih.

3 Make two takbir and repeat the "statements of witness," making the number of phrases seventeen. Muslim records that Abu Mahzhurah related that the Prophet, upon whom be peace, taught him the following azhan: Allahu akbar, Allahu akbar. Ashhadu alla ilaha illal-lah, ashhadu alla ilaha illal-lah. Ashhadu anna Muhammad ar-Rasool-lal-lah, ashhadu anna Muhammad ar-Rasool-lal-lah. Then repeat ashhadu alla ilaha illal-lah (twice), ashhadu anna Muhammad ar-Rasool-lal-lah (twice), hayya 'alas-salah (twice), hayya 'alal-falah (twice). Allahu akbar, Allahu akbar. La ilaha illal-lah. "

Fiqh 1.98: Azhan, At-Tathweeb: (Saying "Prayer is better than sleep" in the Morning Azhan).

It is part of the shari'ah that the caller to prayer say, "as-salaatu khairun min an-naum (prayer is better than sleep) in the morning azhan. Abu Mahzhurah asked the Prophet, upon whom be peace, to teach him the azhan, and he told him, "If it is the morning azhan, say, as-salaatu khairun min an-naum, as-salaatu khariun min annaum. Allahu akbar, Allahu akbar. La illaha illal-lah." (Related by Ahmad and Abu Dawud. ) It is to be said only in the morning azhan.

Fiqh 1.98 a: Iqamah

There are three ways to perform the iqamah:

1 Saying the first takbir four times and everything else twice, with the exception of the last statement of la ilaha illal-lah. Abu Mahzhura said that the Prophet, upon whom be peace, taught him the iqamah consisting of seventeen phrases: Allahu akbar (4 times), ashhadu alla ilaha illal-lah (twice), ashhadu anna Muhammad arRasool-lal-lah (twice), hayya 'alas-salah (twice), hayya 'alal-falah (twice), qad qaamatis-salah (twice), Allahu akbar, Allahu akbar. La ilaha illal-lah. This is related by "the five." At-Tirmizhi grades it

2 To say the beginning and ending takbir, and the phrase qad qaamatus-salah twice. Everything else is to be said once, making eleven phrases. This is based on the preceding hadith of 'Abdullah ibn Zaid: "When you stand for the prayer, say "Allahu akbar, Allahu akbar. Ashhadu alla illaha illal-lah, ashhadu anna Muhammad ar-RasoolAllah. Hayya 'alas-salah, hayya 'alal-falah. Qad qaamat-issalah, qad qaamatis-salah. Allahu akbar, Allahu akbar. La illaha illal-lah.

3 The same as in the preceding, but Qad qaamatus-salah is said only once, making a total of ten phrases. Imam Malik chose this way, because he found the people of Madinah performing it thus. But says Ibn al-Qayyim, "It is not proven that the Messenger of Allah ever said 'Qad qaamatus-salah' only once." Ibn 'Abdul-Barr is of the view, "In every case, it is said twice."

Fiqh 1.99: What Is Said During the Azhan

It is preferred that whoever is listening to the azhan repeat it with the caller, except for the two hayya 'alas-salah, hayya 'alal-falah phrases, after which he should say La haula wa la quwatah illa billah (there is no power or might save Allah).

Says an-Nawawi, "Our companions hold that it is preferable for the listener to repeat after the caller (to prayer), except when he comes to the two preceding phrases, for this shows that he approves of what the caller is saying. Those two statements are calls to the prayer, and it is only proper for the caller to prayer to say them. It is preferable for the listener to say something, such as La haula wa la quwatah

illa billah. It is confirmed in the two Sahihs from Abu Musa al-Ash'ari that the Prophet, upon whom be peace, said, 'La haula wa la quwatah illa billah is a treasure from the treasures of Paradise.' Our companions say that to repeat the call to prayer is preferred for everyone who hears the call, whether clean or unclean, in a state of post-sexual uncleanliness or menstruating, and so on, as it is a remembrance and all of those people who can should make it. Those who can not do so are the ones who are praying, who are relieving themselves, or are having sexual intercourse. If one is reciting the Qur'an, or making remembrance of Allah (zhikr) or studying and so on, he should stop what he is doing and repeat after the caller to prayer. He may then return to what he was doing, if he wishes, or he can pray a voluntary or obligatory prayer." Says ash-Shaf'i, "One should not repeat after the call to prayer, but when he finishes he should repeat what he has said." In al-Mughni, it says, "If one enters the mosque and hears the azhan, it is best that he wait until the caller finishes it before he begins to repeat it. This way he will catch both good deeds. If he does not repeat after the call but starts praying, there is no problem. This is what Ahmad says on the subject."

The Muslim should pray for the Prophet, peace be upon him, after the call is over in any of the manners that have been related, and ask Allah to give him the place of wasilah. 'Abdullah ibn 'Amr related that the Messenger of Allah, upon whom be peace, said, "If you hear the call to prayer, repeat after it. Then supplicate for me, for whoever makes one supplication for me, Allah makes ten for him. Then ask Allah to grant me the place of wasilah. It is a place in Paradise reserved for a slave from among the slaves of Allah. I hope to be him, and whoever asks Allah to grant me the place of wasilah, my intercession becomes permissible for him." (Related by Muslim.) Jabir reported that the Prophet said, "Whoever says (after) hearing the call to prayer, 'O Allah, Lord of this complete call and of the estabished prayers, grant Muhammad the place of wasilah, the most virtuous place and raise him to a praiseworthy position that you have promised him,' will have my intercession made permissible for him on the Day of Judgement. (Related by al-Bukhari.)

### Fiqh 1.100: The Supplication After the Azhan

After the azhan, one should make individual supplications, as that is the time when they will most likely be accepted. Anas reported that the Prophet, upon whom be peace, said, "A supplication made between the azhan and the iqamah is not rejected."

As to the authenticity of this report, it is related by Abu Dawud, an-Nasa'i, and at-Tirmizhi, who called it hassan sahih, and added "They asked, 'What should we say, O Messenger of Allah?' He responded, 'Ask Allah for forgiveness and well-being in this world and the Hereafter." 'Abdullah ibn 'Amr related that a man said, "O Messenger of Allah, the callers to prayer get more virtues than us." He said, "Say what they say and when they finish, ask and it shall be given." (Related by Abu Dawud with a sahih chain.)

On the same subject, reported Umm Salamah, "The Prophet, upon whom be peace, taught me to say (after) the sunset call to prayer, 'O Allah, this is the beginning of Your night and the end of Your day. I have supplicated to You, so forgive me."

### Fiqh 1.100 a: Supplication during the Iqamah

It is preferred that one who hears the iqamah repeat the words, except when Qad qaamatus-salah is said, he should say, "Allah establishes it and makes it everlasting." Some of the companions reported that when Bilal said this phrase, the Prophet would say "Allah establishes it and makes it everlasting."

### Fiqh 1.101: Conditions To Be Met By The Caller to Prayer

It is preferred that he meet the following conditions:

1 It is a must that he make the azhan for Allah's sake and not for wages. 'Uthman ibn Abu al-'Aas asked the Messenger of Allah, upon whom be peace, to appoint him as the imam of his people. He replied, "You are their imam. Be careful about the weak amongst them, and appoint a caller to prayer who does not accept wages for his azhan.

This hadith is related by Abu Dawud, an-Nasa'i, Ibn Majah and at-Tirmizhi, with a slightly different wording, who called it hasan. He also said that the scholars agree with this, and that they hate to see the caller receive wages for the azhan.

2 He should be clean from major or minor impurities. Al-Muhajir ibn Qanfazh reported that the Prophet, upon whom be peace, said to him, "Nothing prevented me from returning (your salutations) except that I dislike to mention the name of Allah when I am not clean. This report has come from Ahmad, Abu Dawud, an-Nasa'i, Ibn Majah and Ibn Khuzaimah. The latter grades it sahih.

According to the Shafiyyah, making the call while one is not in a state of cleanliness is permissible although disliked. According to Ahmad, the Hanafiyyah and others, it is permissible and is not disliked.

3 He should be standing and facing the qiblah (the direction of the Ka'bah). Said Ibn al-Munzhir, "There is agreement that it is sunnah for the caller to be standing, for then he can be heard far away. It is also sunnah that he face the qiblah while making the azhan. If he turns away from the qiblah, his azhan will be sound, but the act will be disliked.

4 He should turn with his head, neck and chest to the right upon saying "Hayya 'alas-salah" and to the left upon saying Hayya 'alalfalah." Says an-Nawawi, "It is the most authentic form."

Reported Abu Juhaifah, "Bilal made the azhan, and I saw the movement of his mouth from this side to that side upon saying "Hayya 'alas-salah" and "Hayya 'alal-falah." (Related by Ahmad, al-Bukhari and Muslim.)

According to al-Baihaqi, this turning is not documented through sound chains. In al-Mughni, it states from Ahmad that the caller should not turn to the left or to the right unless he is at the top of a minaret, so that the people on both sides can hear him.

5 He should insert his index fingers into his ears. Talking of his practice, Bilal said, "I put my index fingers into my ears and made the azhan. (Related by Abu Dawud and Ibn Hibban.)

Says at-Tirmizhi, "The scholars prefer the callers to put their index fingers into their ears while making the azhan."

6 He should raise his voice for the call, even if he is alone in the desert. 'Abdullah ibn 'Abdurahman related from his father that Abu Sa'eed al-Khudri said to him, "I see that you love the sheep and the desert. If you are with your sheep or in the desert, then raise your voice while making the call to prayer, for any jinn, human or thing within hearing distance of your voice will be a witness for you on the Day of Resurrection...I heard the Messenger of Allah say that." (Related by Ahmad, al-Bukhari, an-Nasa'i and Ibn Majah.)

7 He should pause between each phrase during the azhan and be quick in making the iqamah. Many narrations have reported that this act is preferred.

8 He should not speak during the iqamah. Some scholars dislike that he should even speak during the azhan, although al-Hasan, 'Ata and Qatadah permit it. Says Abu Dawud, "I asked Ahmad, 'May a man speak during his azhan?' He said, 'Yes.' 'May he speak during the iqamah?' He said, 'No,' and that is because it is preferred that he make it quickly."

## Fiqh 1.102: The Azhan Before and at the Beginning of the Prayer Time

The azhan is to be made exactly at the beginning of the prayer time, except for the morning prayer, when it may be said before dawn (provided that the people are able to distinguish between the early azhan and that of the proper time). 'Abdullah ibn 'Umar related that the Prophet, upon whom be peace, said, "Bilal makes the azhan during the night, so eat and drink until you hear the azhan of Ibn Umm

Maktum." (Related by al-Bukhari and Muslim.) The wisdom behind allowing the morning azhan a little earlier is made clear in a hadith recorded by Ahmad and others from Ibn Mas'ud: "None of you should let Bilal's azhan prevent you from the pre-dawn meal, as he is making the azhan for those who are praying to stop and for those who are sleeping to get up." But Bilal made his azhan in exactly the same way as the regular azhan. At-Tahawi and an-Nasa'i relate that the time difference between Bilal's azhan and that of Ibn Umm Maktum was the time it took for one to come down from the minaret and for the others to get up to it.

Enough time should be left between the azhan and iqamah for people to prepare themselves for prayer and get to the mosque. The hadith that state the time difference are weak. Al-Bukhari has a section entitled How Much Time Is There Between the Azhan and Iqamah?, but no specific length of time has been confirmed therein. Ibn Batal said, "There is no time limit set, except that of the time beginning and the people gathering for the prayer." Jabir ibn Sumra said, "The callers to prayer of the Prophet would make the azhan and then leave some time, making the iqamah only when they saw the Prophet, upon whom be peace, coming (to the place of prayer). (Related by Ahmad, Muslim, Abu Dawud, and at-Tirmizhi.)

## Fiqh 1.103: Whoever Makes the Azhan May Make the Iqamah

This is so because the caller to prayer takes precedence in making the iqamah. Says Ash-Shaifi, "If a man made the azhan, he should follow it up with the iqamah." Of this, at-Tirmizhi says, "Most of the scholars agree with this opinion."

## Fiqh 1.103 a: When One Should Stand for the Prayer

Malik states in al-Muwatta, "I have not heard anything concerning the specific time to stand for prayer. I have seen some peope lagging and others being quick." Ibn al-Munzhir recorded that Anas would stand when Qad qaamtus-salah was said.

## Fiqh 1.103 b: Leaving the Mosque After the Azhan (and Before the Prayer)

It is not allowed to leave the call unanswered or to leave the mosque after it has been made, unless there is some excuse or one has the intention to return for the prayer. Abu Hurairah related that the Prophet, upon whom be peace, told them, "If one of you is in the mosque and the call is made, he should not leave the mosque until he prays." (Related by Ahmad with a sahih chain.) It is also related that Abu Hurairah said about a man who left the mosque after the call had been made, "That man has disobeyed Abu al-Qasim (the Prophet, upon whom be peace)." This is related by Muslim and others. Mu'azh at-Jahni related that the Prophet said, "It is the utmost apathy and sign of disbelief and hypocrisy that one who hears the call of Allah to salvation does not respond." (Related by Ahmad and at-Tabarani.)

Commenting upon this, at-Tirmizhi says, "It has been related from more than one of the companions that one who hears the call and does not respond will have no prayer. Some said that this is the maximum imposition, which shows that there is no excuse for one who does not attend the congregational prayer without a valid reason."

## Fiqh 1.104: The Azhan and Iqamah for Those Who Missed the Proper Time of Prayer

One who sleeps through the time of a prayer or who forgets a prayer may make azhan and iqamah when he desires to pray. In a story recorded by Abu Dawud, when the Prophet, upon whom be peace, and his companions slept through the time of the morning prayer, he ordered Bilal to make the azhan and iqamah for the prayer. If one has missed many prayers, it is preferred to make one azhan at the beginning followed by an iqamah for each prayer. Says al-'Athram, "I heard Abu 'Abdullah (Ahmad) being asked what a man who had missed a prayer should do about the azhan. He mentioned the hadith of Hushaim from Abu az-Zubair...that the idol-worshippers kept the Prophet busy during four of his prayers during the Battle of the Clans. When part of the night had passed, he ordered Bilal to make the

azhan and the iqamah and they prayed the afternoon, sunset, and night prayers in succession, each time followed by the iqamah.

### Fiqh 1.104 a: The Azhan and Iqamah for Women

Said Ibn 'Umar, "There is no azhan or iqamah for women." (Related by al-Baihaqi with a sahih chain.) This was the opinion of Anas, al-Hassan, Ibn Sireen, an-Nakha'i, al-Thauri, Malik, Abu Thaur and the people of "juristic reasoning." Ash-Shaifi, Ishaq and Ahmad said if they make the iqamah and azhan, there is no problem. It is related from 'Aishah that she would make the azhan and iqamah and lead the women in prayer, standing in the middle of the row. (Related by al-Baihaqi.)

### Fiqh 1.105: Entering the Mosque After the Prayer Is Finished

The author of al-Mughni states, "If one enters the mosque after the prayer is finished, he may make the azhan and iqamah. Ahmad's practice, based on what al-'Athram and Sa'eed ibn Mansur recorded from Anas, was to ask a person to make the azhan and iqamah, after which he would pray with (some people) in congregation. If a person wishes, he may pray without making the azhan and iqamah. Says 'Urwa, "If you reach a mosque wherein the people have already prayed, you may base your prayer on their azhan and iqamah, as theirs are sufficient for those who come after them." This was the opinion of al-Hassan, ash-Sha'bi and an-Nakha'i. Al-Hassan, however, said, "I prefer that he makes the iqamah. If he makes the azhan, he should do so in a low voice and not aloud, for some people may consider it out of place."

### Fiqh 1.105 a: The Time Between the Iqamah and the Prayer

It is permitted to talk between the iqamah and the prayer. One need not repeat the iqamah, even if the interval is long. Reported Anas ibn Malik, "The iqamah was made while the Messenger of Allah was talking to a man in the corner of the mosque. He did not come to the prayer until the people had fallen asleep." (Related by al-Bukhari) One time, the Messenger of Allah, upon whom be peace, remembered that he was in post-sex impurity after the iqamah had been made, so he went to make ghusl and came back to lead the prayer without (a new) iqamah.

### Fiqh 1.105 b: The Iqamah of One Who Is Not the Designated Caller

If someone other than the appointed caller wants to make the azhan, he must obtain the latter's permission. If the appointed or regular caller is late and they fear that they will miss the time of the azhan, another person may make the call.

### Fiqh 1.106: Extraneous Additions to the azhan

The azhan is a form of worship. Muslims are not allowed to add or subtract anything from it. There is an authetic hadith which states, "Whoever introduces something to this affair of ours will have it rejected." We will discuss some of these acts here:

The caller saying, "I bear witness that our leader (Muhammad) is the Messenger of Allah." Ibn Hajr is of the opinion that the word 'leader' may not be added, although it is permissible on other occasions.

Shaikh Isma'il al-'Ajluni records in Kashfal-Khafa', "Wiping the eyes with the index fingers and then kissing them after hearing the caller say 'I bear withess that Muhammad is the messenger of Allah,' and with the listener saying, 'I bear witness that Muhammad is His slave and messenger. I am pleased with Allah as Lord, with Islam as religion, and with Muhammad as the Prophet," is based on ad-Dailami's report from Abu Bakr that when he heard the caller say, "I bear witness that Muhammad is the Messenger of Allah," he would say the same, kiss the inside of his index fingers and wipe his eyes. The Prophet then said, "Whoever does what my friend (Abu Bakr) did, then my intercession will be permissible for him." In al-Maqasid it says, "This is not true. And what Abu Bakr ar-Raddad al-Yamani al-Mutasawaf recorded in Mujibat ar-Rahmah wa Aza'im al-Maghfirah is not true. Its chain is of

unknown narrators and, moreover, the chain is broken." There is another report of equally dubious import from al-Khidrs and mentioned in the preceding book: "Whoever says, upon hearing the caller say, 'I bear witness that Muhammad is the Messenger of Allah,' 'Welcome O my love and the coolness of my eyes, Muhammad ibn 'Abdullah, upon whom be peace,' and then kisses his index fingers and wipes his eye with them, he well never go blind; nor will he never be afflicted with an eye infection."' None of these practices can be attributed to the Prophet or his companions.

### Fiqh 1.107: Singing the Azhan

To "sing" the azhan or to state it in improper Arabic by adding a letter or lengthening the sound of a vowel, and so on, is disliked. If it changes or obscures the meaning of what is said, it becomes forbidden.

Reported Yahya al-Baka', "I saw Ibn 'Umar say to a man, 'I am mad at you for the sake of Allah.' Then he said to his companions, 'He sings in making his azhan, and he takes wages for it."'

### Fiqh 1.107 a: Zhikr and azhan

Making zhikr, supplications, and practices of a similar nature before the morning azhan are innovations to the sunnah. In al-Iqna and its commentary, a book of Hanbali fiqh, it is stated, "What some callers do before the morning azhan (i.e. zhikr, chanting, loud supplications and so on) are not part of the sunnah. No scholar has said that it is preferred to do such acts. In fact, they are hateful innovations introduced after the time of the Prophet and his companions. No one is to order such acts, and no one is to blame one who avoids such acts. If one has left money for such acts, it is not permissible to use it for those acts, as they contradict the sunnah. In Talbis Iblis by Ibn al-Jauzi, it states, "I have seen people staying up a part of the night on the minaret admonishing the people, making zhikr and reciting the Qur'an in a loud voice. They keep people from sleeping and disturb those who are making late-night prayers. These are rejected and evil actions." Ibn Hajr says in Fath al-Bari, "What is done in the way of zhikr before the morning azhan, the Friday prayers and the prayers for the Prophet is derived neither from the azhan nor from the Islamic law.

### Fiqh 1.107 b: To say aloud "Peace and blessings upon the Messenger" after the azhan

This is a hated innovation. Ibn Hajr says in al-Fatawa al-Kubra, "Our shaikhs and others have given a legal verdict about the prayers and salutations for the Prophet after the azhan and how the callers to prayer do it. Their verdict is that (the prayers for the Prophet) has its root in the sunnah, but the manner in which they perform it is an innovation." Muhammad 'Abduh was asked about saying the prayers and salutation for the Prophet subsequent to the azhan and he said, "The azhan, as mentioned in al-Khaniyyah, is only for the prescribed prayers. It consists of fifteen phrases, the last being La ilaha illal-lah. Whatever is mentioned before or after it is an innovation. It has been introduced for rhythm, and nothing else. There is hardly a scholar who has allowed it, nor does it make any sense to say that it is a good innovation, for every innovation in matters of worship is evil. Whoever claims that it is not for melody is lying."

### Fiqh 1.109: Knowledge that the time for prayer has begun

If one is certain or fairly certain that the time has begun, he may pray. How he reached his decision is not important.

### Fiqh 1.109 a: Purity From Major and Minor Impurities

Says Allah in the Qur'an, "O you who believe, when you rise for the prayer, wash your faces, your hands up to the elbows, and lightly rub your hands and (wash) your feet up to the ankles. If you are unclean, purify yourselves." Ibn 'Umar reported that the Prophet said, "Allah does not accept any prayer that was not performed while in a state of purity, nor does he accept charity from what has been stolen from booty." (Related by "the group.")

## Fiqh 1.109 b: Purity of the Body, Clothes and Place

Such objects should be clean of physical impurities as much as possible. If one can not remove them, he may pray with the impurities present and does not have to repeat the prayer later. Concerning bodily purity, Anas related that the Prophet upon whom be peace, said, "Stay clean of urine, as the majority of punishment in the grave is due to it." This is related by ad-Daraqutni, who said it is hassan.

Reported 'Ali, I used to have a great deal of prostatic fluid flowing, so I asked a man to ask the Prophet about it (as I was shy to ask him, due to my relationship with him through his daughter). He asked him and the Prophet, upon whom be peace, said, "Make ablution and wash your penis." (Related by al-Bukhari and others.)

'Aishah also related that the Messenger of Allah said to women with a prolonged flow of blood, "Wash the blood from yourself and pray . "

Concerning purity of clothing, we have the following: Says Allah, "And purify your raiment" (al-Muddathir 4). Jabir ibn Sumrah reported that he heard a man ask the Prophet, "May I pray in the same clothes that I had on during intercourse with my wife?" He said, "Yes, but if you see some stains on it, you must wash it." This hadith is related by Ahmad and Ibn Majah. Its narrators are trustworthy. Reported Mu'awiyyah, "I asked Umm Habibah, 'Did the Prophet pray in the same clothes that he wore when he had intercourse?' She said, 'Yes, if there were no stains on it."'(Related by Ahmad, Abu Dawud, an-Nasa'i and Ibn Majah.) Abu Sa'eed reported that the Prophet removed his shoes and the people behind him did likewise. When he finished the prayer, he asked, "Why did you remove your shoes?" They said, "We saw you remove yours." He said, "Gabriel came to me and informed me that there was some filth on them. Therefore, when one of you comes to the mosque, he should turn his shoes over and examine them. If one finds any dirt on them, he should rub them against the ground and pray with them on." The hadith is related by Ahmad, Abu Dawud, al-Hakim, Ibn Hibban and Ibn Khuzaimah. The latter grades it as sahih.

This hadith shows that if one enters the mosque (with his shoes on) and is unaware of some impurity or has forgotten it, and he suddenly remembers it during the prayer, he must try to remove it and proceed with the prayer. He does not have to repeat it later on.

Concerning the purity of the place where one is praying, Abu Hurairah said, "A bedouin stood and urinated in the mosque. The people got up to grab him. The Prophet said, 'Leave him and pour a container full of water over his urine. You have been raised to be easy on the people, not to be hard on them." (Related by "the group," except for Muslim.)

Commenting on this subject, ash-Shaukani says, "If what has been produced of proof is firmly established, then one would know that it is obligatory to have one's clothes free of impurities. Whoever prays and has impurities on his clothing has left one of the obligations of the prayer. But his prayer would not be voided." In ar-Rauzhat an-Nabiyyah it states, "The majority of scholars are of the opinion that it is obligatory to purify three things: the body, the clothes, and the place of prayer. Some are of the opinion that this is a condition for the soundness of the prayer, and others say that it is just a sunnah. The truth of the matter is that it is obligatory. Whoever intentionally prays with impurities on his clothing has left one of the obligations (of the prayer), but the prayer is still valid."

## Fiqh 1.111: Covering the 'Aurah

Says Allah in the Qur'an, "O Children of Adam, take your adornment (by wearing proper clothing) for every mosque" ( al-A'raf 31). The meaning of "adornment" here is the covering of the 'aurah. The meaning of "mosque" is "prayer." Therefore, it means "Cover your 'aurah for every prayer." Salamah ibn al-Aku' said to the Prophet, "O Messenger of Allah, may I pray in a long shirt?" He said, "Yes, but button it, even with just a thorn." (Related by al-Bukhari in his Tareekh.)

## Fiqh 1.111 a: A man must cover the front and back of his pubic region

There is disagreement about the navel, thighs and knees. The reports seem to contradict each other. The following hadith are used to prove that such parts are not part of the man's 'aurah:

## Fiqh 1.111 b: Exposing a man's thigh

Says 'Aishah, "The Prophet was sitting with his thigh exposed when Abu Bakr asked, and received, permission to enter. The same thing happened with 'Umar. However, when 'Uthman sought permission to enter, the Prophet covered himself with his clothes. When they left, I said, 'O Messenger of Allah, you permitted Abu Bakr and 'Umar to enter while your thigh was exposed. When 'Uthman asked permission to enter, you covered yourself with your clothes.' He said, 'O 'Aishah, should I not be shy of a man who, by Allah, even the angels are shy of'?" (Related by Ahmad and al-Bukhari in mu'allaq form.)

Says Anas, "During the battle of Khaibar, the Prophet's gown was withdrawn from his thigh until I could see its whiteness." (Related by Ahmad and al-Bukhari.)

Says Ibn Hazm, "It is correct to say that the thigh is not part of the 'aurah. If it were so, why would Allah allow His Prophet, who is protected (from sin), to uncover his so that Anas and others could see it? Allah would have kept him from doing this. According to Jabir as recorded in the two Sahihs, when the Prophet was young (before his prophethood), he was one time carrying the stones of the Ka'bah, wearing only a loincloth. His uncle al-'Abbas said to him, 'O nephew, why don't you untie your waistcloth and put it on your shoulder for padding?' The Prophet did so and fell unconscious. He was never seen naked again after that."'

Muslim records from Abu al-'Aliya that 'Abdullah ibn as-Samit struck his thigh and said, "I asked Abu Zharr, and he struck my thigh as I struck yours, and he said, 'I asked the Messenger of Allah, upon whom be peace, and he struck my thigh as I have struck yours and said, 'Perform the prayer in its time..." Ibn Hazm said, "If the thigh was 'aurah, why would the Messenger of Allah touch it?" If the thigh was 'aurah according to Abu Zharr, why would he have struck it with his hand? The same can be asked for 'Abdullah ibn as-Samit and Abu al-'Aliya. It is not allowed for a Muslim to strike with his hand another man's pubic area, or the clothes over the pubic area. Nor can a man touch the clothing over a woman's 'a urah .

Ibn Hazm mentions that Hubair ibn al-Huwairith looked at Abu Bakr's thigh when it was uncovered, and that Anas ibn Malik came to Qas ibn Shamas when his thigh was uncovered.

However, the following hadith are used to show that the thighs and so on are part of the 'aurah:

Reported Muhammad Jahsh, "The Messenger of Allah, upon whom be peace, passed by Ma'mar while his thighs were uncovered. He said, to him, 'O Ma'mar, cover your thighs, for they are (part of the) 'aurah." This is related by Ahmad, al-Hakim and al-Bukhari in Tareekh and in mu'allaq form in his Sahih.

Reported Jurhad, "The Messenger of Allah passed by me when the cloak I was wearing did not cover my thigh. He said, 'Cover your thigh, for it (is part of the) 'aurah." This is related by Ahmad, Abu Dawud and at-Tirmizhi, who called it hassan, and by al-Bukhari in mu'allaq form in the Sahih.

## Fiqh 1.113: Woman's aurah & hijab

There is no such dispute over what constitutes a woman's 'aurah. It is stated that her entire body is 'aurah and must be covered, except her hands and face. Says Allah in the Qur'an, "And to display of their adornment only that which is apparent (do not expose any adornment or beauty save the hands and face)." It has been authentically related from Ibn 'Abbas, Ibn 'Umar and 'Aishah that the Prophet said, "Allah does not accept the prayer of an adult woman unless she is wearing a headcovering (khimar, hijab)." This is related by "the five," except for an-Nasa'i, and by Ibn Khuzaimah and al-Hakim. At-Tirmizhi grades it as hassan.

It is related from Umm Salamah that she asked the Prophet, "Can a woman pray in a long shirt (like a night shirt) and headcovering without a loincloth?" He said, "If the shirt is long and flowing and covers the top of her feet." This is related by Abu Dawud. The scholars say it is sahih in mauqoof form (as a statement of Umm Salamah and not that of the Prophet.)

It is also related that 'Aishah was asked, "In how many garments is a woman to pray?" She answered, "Ask 'Ali ibn Abu Talib and then return to me and tell me what he said." 'Ali's answer was, "In a headcover and a long flowing shirt." This was told to 'Aishah and she said, "He has told the truth."

The clothes worn must cover the 'aurah, even if they are tight enough to highlight those features. If the clothes are so thin that one's skin color can be seen, they are not suitable for prayer.

### Fiqh 1.113 a: Preferred to wear two garments in salat

It is preferred for a person to wear at leat two garments, but he can wear just one if that is all he has. Ibn 'Umar reported that the Prophet, upon whom be peace, said, "If one of you is going to pray, he should wear two garments, for Allah has the most right that you should look good for Him. If one does not have two garments, he shoud cover himself with a cloak when he prays, but not like the Jews do." (Related by at-Tabarani and al-Baihaqi.)

'Abdurazaq related that Ubayy ibn Ka'b and 'Abdullah ibn Mas'ud had an argument. Ubayy thought it was permissible to pray in one garment, while Ibn Mas'ud said that that was allowed only if one had no other clothes. 'Umar mounted the pulpit and said, "The correct position is: If Allah gives you more provisions, you should wear more clothes. A man can gather his clothes about him, or pray in a waist cloth and a cloak, or in a waist cloth and a shirt, or in a waist cloth and a caftan, or in trousers and a cloak, or in trousers and a shirt, or in trousers and a caftan, or in leather trousers and a caftan, or in leather trousers and a shirt.' And I (a narrator) think he said, 'Leather trousers and a cloak."

Buraida reported that the Prophet forbade one to pray using an improperly-affixed sheet to cover his 'aurah, and to pray in trousers while not wearing a cloak. (Related by Abu Dawud and al-Baihaqi.) It is related that when al-Hassan ibn 'Ali prayed, he would wear his best clothes. He was asked about that and he said, "Verily, Allah is beautiful and He loves beauty, so I beautify myself for my Lord." Such a view is in accord with Allah's words, "And wear your adornment for every prayer."

### Fiqh 1.114: Uncovering the Head During the Prayer

Ibn 'Asakir related that the Prophet would sometimes remove his cap and place it in front of him as a sutrah. According to the Hanifiyyah, one can pray with his head uncovered. In fact, they prefer this if it is done out of a sense of humility and awe.' There is no evidence whatsoever that it is preferred to cover one's head while praying.

### Fiqh 1.114 a: Facing the Qiblah

All scholars agree that one must face the Masjid al-Haram (in Makkah) during every prayer. Says Allah in the Qur'an, "Direct your face to the Masjid al-Haram. Wherever you may be, turn your faces to it" ( al-Baqarah 144).

Reported al-Barra', "We prayed with the Messenger of Allah, upon whom be peace, for about sixteen or seventeen months towards Jerusalem, after which time he turned towards the Ka 'bah." (Related by Muslim.)

### Fiqh 1.114 b: If one can see the Ka'bah, he must face that particular direction

If he can not see it, he must turn in its direction, as this is all that he is able to do. Abu Hurairah reported that the Prophet said, "The qiblah is between the East and the West." This is related by Ibn

Majah and at-Tirmizhi. The latter considers it hassan sahih. This hadith refers to the people of Madinah and whoever has a position similar to them (i.e., the people of Syria, the Arabian Peninsula and Iraq. For the people of Egypt, the qiblah is between the East and the South.)

### Fiqh 1.115: If one can not determine the direction of the qiblah

He should ask one who knows. If he finds no one to ask, he should try his best to determine it. In such a case, his prayer will be valid, and he need not repeat it even though he discovers later on that he had faced in the wrong direction. If it is made clear to him while he is praying that he is facing the wrong direction, he need only turn in the proper direction without stopping his prayer. This is based on the following incident: Ibn 'Umar reported that the people were praying the morning prayer in the Quba' mosque when a person came to them and said, "Allah has revealed some of the Qur'an to the Prophet in which we have been ordered to face the Ka'bah, so face it." They immedately turned their faces from Syria to the Ka'bah." (Related by al-Bukhari and Muslim.)

If one prays according to what he determined and then wants to make another prayer, he should again try to determine the qiblah's direction. If it turns out to be different from what he had determined earlier, he should pray in the new direction without repeating his earlier prayer.

### Fiqh 1.115 a: Two cases in which one doesn't have to face the Ka'bah

The first one is performing voluntary prayers while riding (an animal, car and so on). The rider may bend his head slightly for the bowings and prostrations of the prayer, but he should bend a little bit lower for the prostrations. He may face in whatever direction his ride is going.

Reported 'Amr ibn Rabi'ah, "I saw the Messenger of Allah, upon whom be peace, pray while riding, and he faced the direction in which he was going." This hadith is related by Muslim, at-Tirmizhi and al-Bukhari. The latter added that "he bent his head slighty."

He did not, however, do this for the obligatory prayers. Ahmad, Muslim and at-Tirmizhi recorded that he would pray on his mount while travelling from Makkah to Madinah, facing away from Makkah. Upon this, Allah revealed, "Wherever you turn, you will find Allah's face." Says Ibrahim an-Nakha'i, "They would pray on their mounts and animals in the direction in which they were facing." Ibn Hazm comments, "This has been related from the companions and those of the following generation, during travel and residence. "

The second case is praying while having to deal with forced conditions, illness and fear. Under such circumstances, it is allowed to pray without facing the qiblah. The Prophet, upon whom be peace, said, "If I order you to do something, do what you are capable of doing." Says Allah, "If you go in fear, then (pray) standing or on your mounts..." (al-Baqarah 239). Ibn 'Umar added, "Facing the qiblah or not facing it." (Related by al-Bukhari.)

### Fiqh 1.116: The state of prayer, salah

There are many prophetic hadith on this topic. Here, we will mention just two of them, one describing his actions and other quoting his statements.

'Abdullah ibn Ghanam related that Abu Musa al-Ash'ari gathered together his people saying, " O Tribe of Ash'ari, gather together, and gather your women and children to teach them how the Messenger of Allah, upon whom be peace, prayed with us in Madinah." They all gathered to watch him perform ablution. After it, he waited until the sun had just passed the meridian and there was some shade, and then he made the azhan. He put the men in the row closest to him, the children in a row behind the men, and the women in a row behind the children. After the iqamah, he raised his hands and made the takbir, silently recited Surah al-Fatihah and another surah, repeated the takbir and bowed while saying, "Glory be to Allah and Praise be to Him" three times, after which he said, "Allah hears him who praises Him" and stood straight. He then made the takbir and prostrated, made another takbir, raised his head

(and sat), repeated the takbir and prostrated again, after which he said the final takbir and stood up. In the first rak'ah he made six takbir, and he made another one when he stood for the second rak'ah. When he finished the prayer, he turned to his people and said, "Guard the number of my takbir and learn my bowings and prostrations, for this is how the Prophet prayed with us during this part of the day." (Then he said) when the Prophet, upon whom be peace, finished the prayer, he turned toward the people and said, "O people, listen and understand. Allah has slaves who are neither prophets nor martyrs, but both the prophets and martyrs envy them for their closeness to Allah." A bedouin stepped forward, pointed to the Messenger of Allah and said, "O Messenger of Allah, tell us about these people." The Prophet was pleased with the bedouin's request and said, "They are from various peoples and tribes who have no ties of relationship between them. They love each other purely for the sake of Allah. On the Day of Resurrection, Allah will present them pulpits of light for them to sit on. Their faces will be light and their clothes will be light. The people will be scared on the Day of Resurrection, but they will not be scared. They are the friends of Allah who will not have any fear upon them nor will they grieve.

As to the authenticity of this report, it is related by Ahmad and Abu Ya'la with a hassan chain. Al-Hakim says its chain is sahih.

Reported Abu Hurairah, "A man entered the mosque and, after praying, went to the Prophet, upon whom be peace. The Prophet, upon whom be peace, responded to his salutations and said, 'Return and pray, for you have not prayed.' This happened three times, and the man finally said, 'By the One who sent you with the Truth, I do not know any better than that, so teach me.' He said, 'When you stand for the prayer, make the takbir and then recite what you can from the Qur'an. Then bow until you attain calmness and then come up again until you are standing straight. Then prostrate until you attain calmness in your sitting, and prostate until you attain calmness in your prostration. Do that during all of your prayer." (Related by Ahmad, Muslim and al-Bukhari.)

These are general hadith that describe how the Prophet, upon whom be peace, prayed or what he said about its performance. Now we shall discuss those acts of the prayer which are obligatory and those which are sunnah.

## Fiqh 1.119: Obligatory acts of prayer

For it to be acceptable, the method of prayer must conform to the norms spelled out in the Islamic law.

## Fiqh 1.119 a: Obligatory acts of prayer, Intention

Says Allah, "And We did not command them save to worship Allah, making the religion sincerely for Him" (al-Bayinah 5). The Prophet, upon whom be peace, said, "Every action is based upon intention. For everyone is what he intended. Whoever made the migration to Allah and His Prophet, then his migration is to Allah and His Prophet. Whoever's migration was for something of this world or for the purpose of marriage, then his migration was to what he migrated to." (Related by al-Bukhari.)

In Ighatha al-Lufan, Ibn al-Qayyim states, "The intention is the aim and purpose of something. It is a condition of the heart, and it does not come from the tongue. For that reason, the Prophet and his companions never spoke their intentions. What has been introduced into this matter during the actions of purity and the prayer comes from Satan and is a trap for those who are unsure about how to make it. You will find them repeating it over and over, but that is not part of the prayer at all."

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Continued

## Fiqh 1.120: Obligatory acts of prayer, Saying the Opening Takbir and Beginning the Prayer

Ali reported that the Prophet, upon whom be peace, said, "The key to prayer is purity. What puts one into its inviolable state is the takbir, and the tasleem releases one from it."

As to the authenticity of the report, it is related by ash-Shai'i, Ahmad, Abu Dawud, Ibn Majah and at-Tirmizhi, who called it the most authentic report on this topic. Al-Hakim and Ibn as-Sakin consider it as sahih. The takbir consists of saying Allahu akbar. Abu Hameed reported that when the Prophet stood for prayer, he would stand straight, raise his hands and say, "Allahu akbar."

This is related by Ibn Majah, and in the Sahihs of Ibn Khuzaimah and Ibn Hibban. Al-Bazzar related something similar to it, but with a chain that is sahih according to Muslim's criterion. 'Ali and others also reported this.

## Fiqh 1.120 a: Standing During the Obligatory Prayers

One must stand during the prayer, if at all possible. Says Allah, "Guard and preserve the prayers and the mid-most prayer, and stand for Allah with devotion." Reported 'Umar ibn Hussain, "I had some physical problem, so I asked the Prophet, upon whom be peace, about the prayer, and he said, 'Pray standing; if you are not able to; pray sitting, if you are not able to; pray (while lying) on your side." (Related by al-Bukhari.) Most scholars say that one should not put his feet together while standing in prayer.

For voluntary prayers, one can pray sitting even if he can stand, but one who stands receives a larger reward than one who sits. 'Abdullah ibn 'Umar related that the Prophet, upon whom be peace, said, "The prayer of one who sits is half of the prayer." (Related by al-Bukhari and Muslim.)

If one can not stand, he may pray according to what he is capable of doing, as Allah does not burden a soul beyond its ability. He will get a complete reward for the prayer. Abu Musa reported that the Prophet said, "If a slave (of Allah) is sick or travels, he will get a reward for those acts similar to what he would get if he was healthy and at home."

## Fiqh 1.120 b: Obligatory acts of prayer, Reciting al-Fatihah in Every Rak'ah of the Prayer

There are many authentic hadith which state that it is obligatory to recite al-Fatihah in every rak'ah. Thus, there is no difference of opinion on this point. Some of these hadith are:

'Ibadah ibn as-Samit related that the Prophet said, "There is no prayer for one who does not recite the opening of the Book al-Fatihah)." This is related by "the group."

Abu Hurairah reported that the Prophet said, "Whoever prays a prayer and does not recite the opening chapter of the Qur'an has not prayed correctly." (Related by Ahmad, al-Bukhari and Muslim.) Ad-Daraqutni also recorded a hadith with a sahih chain with almost exactly the same wording.

Said Abu Sa'eed, "We were ordered to recite the opening chapter of the Qur'an and what (else) was easy (for us)." This is related by Abu Dawud. Al-Hafez and Ibn Sayyid an-Nass consider its chain as sahih.

In some of the narrations dealing with the prayer's incompleteness, it states, "And then recite the 'Mother of the Book' (al-Fatihah)," and he said, "And do that in every rak'ah."

It is confirmed that the Prophet, upon whom be peace, recited al-Fatihah in every rak'ah of every prayer, obligatory or superogatory. Since this is an act of worship, we can only follow what he did. And the Prophet said, "Pray as you have seen me pray." (Related by al-Bukhari.)

## Fiqh 1.121: Obligatory acts of prayer, Bismillah

The scholars are agreed that the bismillah (the words "In the name of Allah, the Compassionate, the Merciful) is a verse in Surah al-Naml, but they differ over whether or not it constitutes a verse of every surah. There are three opinions on this point:

1 It is a verse of al-Fatihah and of every surah of the Qur'an. Therefore, it is to be recited with al-Fatihah during those prayers that are said aloud or quietly. The strongest support of this opinion comes from the hadith of Na'em al-Mujammir who said, "I prayed behind Abu Hurairah and he recited, 'In the name of Allah...' and then he recited al-Fatihah." At the end of the hadith, he is quoted as saying, "By the One in whose Hand is my soul, I have done what resembles how we prayed with the Messenger of Allah."

2 It is a verse by itself and was revealed to demarcate different surahs. It is allowed to recite it with al-Fatihah (in fact it is preferred), but it is not sunnah to recite it aloud. Anas said, "I prayed behind the Messenger of Allah, Abu Bakr, 'Umar and 'Uthman, and they did not recite it aloud."

This hadith is related by an-Nasa'i, Ibn Hibban and at-Tahawi with a sahih chain according to the criterion of the two Sahihs.

3 It is not a verse of al-Fatihah or of any other surah. It is disliked to recite it aloud or quietly during the obligatory prayers, but not for the superogatory prayers. This opinion, however, is not strong.

Ibn al-Qayyim has reconciliated the first and second opinions by saying, "Sometimes the Prophet would recite it aloud, but most of the time he would say it quietly and not aloud."

## Fiqh 1.122: Obligatory acts of prayer, One Who Cannot Recite Properly

Says al-Khattabi, "Basically, one's prayer does not suffice if he does not recite al-Fatihah. If one can recite neither al-Fatihah nor other portions of the Qur'an, he should recite at least seven verses of a similar meaning from the Qur'an. If he can not learn any part of the Qur'an (due to some innate inability, poor memory, or because it's a foreign language), he should say the tasbeeh (Subhaan Allah - Glory be to Allah), the tamheed (al-Hamdu lillah - All praise is due to Allah), and tahleel (La ilaha illal-lah - There is no God except Allah). It is related that he said, "The best remembrance after the speech of Allah is Subhaan Allah, al-Hamdu lillah, La ilaha illal-lah and Allahu akbar." This is supported by Rafa'ah ibn Rafa', who narrated that the Prophet said, "If you have something from the Qur'an, recite it. If not, then say the tamheed, takbir and the tahleel and then bow."

This hadith is related by Abu Dawud, at-Tirmizhi, an-Nasa'i and al-Baihaqi. The former considers it as hassan.

## Fiqh 1.122 a: Obligatory acts of prayer, Ar-Ruku' (Bowing Down)

There is a consensus on the obligatory nature of the ruku'. Says Allah, "O you who believe, bow down and prostrate yourselves.. ." The position of ruku' is established by bending over, putting one's hands on one's knees, and remaining in that position until he attains "calmness." In another hadith the Prophet said, "Then bow until you attain calmness while your are bowing." Abu Qatadah related that the Prophet, upon whom be peace, said, "The worst pepole are the thieves who steal part of the prayer." He was asked how this was done, and he replied, "He does not complete his bowings and prostrations," or he said, "He does not straighten his back during his bowings and prostrations."

As to its authenticity, the report is related by Ahmad, at-Tabarani, Ibn Khuzaimah and al-Hakim, who consider its chain as sahih.

Abu Mas'ud al-Badri reported that the Prophet, upon whom be peace, said, "The prayer of one who

does not straighten his back in his bendings and prostrations is not accomplished." This hadith is related by "the five,'' and Ibn Khuzaimah, Ibn Hibban, at-Tabarani and al-Baihaqi, who consider its chain as sahih, while at-Tirmizhi grades it as hassan sahih.

Knowledgeable companions act according to the principle that a person is to make his back straight during his bowings and prostrations. Huzhaifah saw someone who did not straighten his back during his bowings and prostrations, and told him, "You have not prayed. And if you were to die, you would not die in the way of Allah and His Messenger." (Related by al-Bukhari.)

### Fiqh 1.123: Obligatory acts of prayer, Standing Erect After the Bowing

This is based on Abu Humaid's description of the Prophet's prayer: "He would raise his head from his bowing, then stand straight until all of his backbones returned to their places." (Related by al-Bukhari and Muslim.)

'Aishah related that when the Prophet raised his head from bowing, he would not prostrate until his back was straight. (Related by al-Bukhari and Muslim.)

Abu Hurairah reported that the Prophet said, "Allah does not look at the prayer of a person who does not straighten his back between his bowings and his prostrations." (Related by Ahmad. al-Munzhiri considers its chain as good.)

### Fiqh 1.123 a: Obligatory acts of prayer, Prostration

We have already stated the Qur'anic verse dealing with this obligatory act. The Prophet explained it in a hadith by saying, "Then prostrate until you attain calmness in your prostration, then rise (and sit) until you attain calmness in your sitting, and then prostrate until you gain calmness in your prostration. The first prostration, sitting afterwards, the second prostration and calmness during all of these acts are obligatory in every rak'ah of every obligatory or superogatory prayer.

### Fiqh 1.124: Obligatory acts of prayer, How to Attain Calmness

The "calmness" comes from sitting in the position until the bones are set and still. Some scholars say that, at a minimum, this would take as long as it takes to say one Subhaan Allah.

### Fiqh 1.124 a: Obligatory acts of prayer, Bodily Parts That Touch the Ground During Prostration

These parts are: the face, hands, knees and feet. Al-'Abbas ibn 'Abdul-Mutallib reported that he heard the Prophet say, "When a slave (of Allah) prostrates, seven bodily parts prostrate with him: his face, his hands, his knees and his feet." (Related by "the group," except for al-Bukhari.) Said Ibn 'Abbas, "The Prophet ordered us to prostrate on seven bodily parts and not to fold back the hair or clothing: the forehead, the hands, the knees and the feet." In another wording, the Prophet said, "I have been ordered to prostrate on seven bodily parts: the forehead, and he pointed to his nose, the hands, the knees and the ends of the feet." (Related by al-Bukhari and Muslim.) In another narration, he said, "I have been ordered to prostrate on seven bodily parts and not to fold back the hair or clothing: the forehead, the nose, the hands, the knees and the feet." (Related by Muslim and an-Nasa'i.)

Abu Humaid reported that when the Prophet, upon whom be peace, prostrated, he placed his nose and forehead on the ground. This hadith is related by Abu Dawud and at-Tirmizhi who said, "The scholars act according to this: a person prostrates on his nose and forehead." According to some scholars, if one prostrates on just the forehead without the nose touching the ground, it will still be sufficient. Others say that it would not be sufficient until his nose touches the ground.

### Fiqh 1.124 b: Obligatory acts of prayer, The Final Sitting and Recital of the Tashahud

The Prophet's practice illustrates that when the final sitting of the prayer has been made, one must recite the tashahud at that time. In one hadith, he said, "When you raise your head from the last prostration and sit for the tashahud, you have completed your prayer."

Says Ibn Qudamah, "It has been related that Ibn 'Abbas said, 'We used to say, before the tashahud was made obligatory upon us, 'Peace be upon Allah before His slaves, peace be upon Gabriel, peace be upon Mikhail.' The Prophet, upon whom be peace, said, 'Do not say, 'Peace be upon Allah,' but say, 'Salutations to Allah.' This proves that the tashah ud was made obligatory, although before it was not."

The most authentic report concerning the tashahud is Ibn Mas'ud's, who said, "When we would sit with the Prophet in the prayer, we would say, 'Peace be upon Allah before His slaves, peace be upon so and so.' The Prophet said, 'Do not say peace be upon Allah, for Allah is peace. When one of you sits, he should say salutations be to Allah, and the prayers, and the good deeds, peace be upon us and upon Allah's sincere slaves (if you say that, it applies to all of Allah's sincere slaves in the heavens and the earth). I bear witness that there is no god except Allah. I bear witness that Muhammad is His slave and Messenger.' Then you may choose whatever supplication you desire." (Related by "the group.")

Says Muslim, "The people are in agreement over the tashahud of Ibn Mas'ud, and the companions do not differ over it." At-Tirmizhi, al-Khattabi, Ibn 'Abdul-Barr and Ibn al-Munzhir all agree that Ibn Mas'ud's hadith is the most authentic one on this topic.

Said Ibn 'Abbas, "The Messenger of Allah used to teach us the tashahud like he taught us the Qur'an. He would say, 'Salutations, blessings, prayers and good deeds for Allah. Peace be upon you, O Prophet, and the mercy of Allah and His blessings. Peace be upon us and the sincere slaves of Allah. I bear witness that there is no god except Allah. I bear witness that Muhammad is His slave and messenger." (Related by ash-Shaifi, Muslim, Abu Dawud and anNasa'i.)

Says ash-Shaifi, "Different hadith have been related about the tashahud, but that one is the best in my opinion, for it is the most complete. Al-Hafez states, "Ash-Shaifi was asked about this choice and the tashahud of Ibn 'Abbas, and he replied, 'I have found it to be the most encompassing. I have heard it from Ibn 'Abbas (through) authentic (chains). To me, it is more complete..."

There is another form of the tashahud that Malik chose. In al-Muwatta, it is stated that 'Abdurahman ibn 'Abdul-Qari heard 'Umar ibn al-Khattab teaching the people, from the pulpit, this tashahud: "Salutations to Allah, purifications to Allah, the good deeds and prayers be to Allah. Peace be upon you, O Prophet, and the mercy of Allah and His blessings. Peace be upon us and Allah's sincere slaves. I testify that there is no god but Allah, and I testify that Muhammad is His slave and messenger."

Commenting on the stature of such hadith, an-Nawawi says, "Those hadith concerning the tashahud are all sahih. Hadith scholars are agreed that the strongest of them is the hadith of Ibn Mas'ud, and then the hadith of Ibn 'Abbas. " Ash-Shaf'i said that any tashahud one uses will suffice, for the scholars agree that every one of them is permissible."

## Fiqh 1.126: Obligatory acts of prayer, The Salaam (Peace Be Upon You and the Mercy of Allah) at the Prayer's End

Saying the salaam at the end of the prayer is obligatory. 'Ali related that the Prophet said, "The key to prayer is purity. One enters into its inviolable state by the takbir and leaves it by the salaam."

As to its authenticity, the report is related by Ahmad, ash-Shaf i, Abu Dawud, Ibn Majah and at-Tirmizhi who said, "That is the most authentic report on this topic and the best."

'Amr ibn Sa'd related that his father said, "I saw the Prophet making the salaam on his right side and on his left side until I could see the whiteness of his cheeks." (Related by Ahmad, Muslim, anNasa'i and Ibn Majah.)

Reported Wa'il ibn Hajr, "I prayed with the Messenger of Allah. He would make the salaam on his right side by saying, 'Peace be upon you and the mercy of Allah." In Bulugh al-Maram, Ibn Hajr says that Abu Dawud related it with a sahih chain.

It is obligatory to say one salaam, and it is preferred to say two. Ibn al-Munzhir comments that all scholars agree that making only one salaam is permissible. Ibn Qudamah writes in al-Mughni, "There is no clear text from Ahmad that states that two salaams are obligatory. He only said, 'Two salaams are the most authentic act from the Messenger of Allah.' It is permissible to say that this is the regualtion, although it is not obligatory, and others have the same opinion. This is also pointed out in another of his statements where he said, 'Two salaams are more loved by me. But 'Aishah, Salamah ibn al-Aku' and Sahl ibn Sa'd narrated that the Prophet, upon whom be peace, made only one salaam." We can reconciliate these differences by stating that it is sunnah to say two salaams, but it is obligatory to say one. This is the consensus that Ibn al-Munzhir mentioned, and we have no option to reject that. Says an-Nawawi, "It is the opinion of ash-Shaifi and most of the early and later scholars that it is sunnah to say two salaams." Malik and a group of scholars say that only one salaam is sunnah. They adduce this from a weak hadith that can not be used as a proof. If something of this nature had been confirmed from the Prophet, the act was probably done just to show that it is permissible to say only one salaam. Scholars are agreed that only one salaam is obligatory. If one makes only one salaam, he should turn to his right for the first one and to the left for the second one. He should turn until his cheeks can be seen from behind. That is the most authentic form and it is said, "If one says the two salaams to the right or to the left while facing forward, or the first one on the left and the second one on the right, then his prayer would still be valid and he would have fulfilled the act of the two salaams. But, he would have lost the virtue of how they are to be performed."

## Fiqh 1.129: Sunnah acts of prayer

The prayer also has certain acts which are sunnah. It is preferred that the person performs them to get their reward.

## Fiqh 1.129 a: Sunnah acts of prayer, Raising the Hands

This must be done at the beginning of each prayer's takbir. Says Ibn al-Munzhir, "All scholars agree that the Prophet raised his hands at the beginning of his prayer."

Commenting upon this report, Ibn Hajr says, "The Prophet's raising his hands at the beginning of his prayer has been narrated by fifty companions, inluding the ten who were given the tidings of Paradise. " Al-Baihaqi related that al-Hakim said, "I do not know of any sunnah other than this one which is accepted by the four rightly-guided khalifahs, the ten companions who were given the tidings of Paradise, and other companions scattered across many lands." Summing up his evaluation of the report, al-Baihaqi says, "And it is as our teacher Abu 'Abdullah has said."

## Fiqh 1.129 b: Sunnah acts of prayer, How to Raise the Hands

Many narrations have been recorded concerning this subject. Many scholars have chosen the following forms: the hands are raised to the shoulders with the fingertips parallel to the button of the ears. Says an-Nawawi, "This is how ash-Shaifi combined the hadith (on this question), and the people found it to be good." It is preferred that one extends the fingers while raising the hands. Abu Hurairah said, "When the Prophet, upon whom be peace, stood for prayer, he would raise his hands (with them being) open." (Related by "the five," except for Ibn Majah.)

## Fiqh 1.130: Sunnah acts of prayer, When to Raise the Hands

One must raise the hands at about the same time he makes the takbir. Nafa' related that when Ibn 'Umar would begin his prayer he would say the takbir and raise his hands. The Prophet also did this. (Related by al-Bukhari, an-Nasa'i and Abu Dawud.) He also reported that the Prophet, upon whom be peace, would raise his hands upon making the takbir until they were parallel to his shoulders or close to

that. (Related by Ahmad and others.)

As for raising the hands just before the takbir, Ibn 'Umar reported, "When the Prophet, upon whom be peace, stood for prayer, he would raise his hands until they were parallel to his shoulders and would make the takbir. (Related by al-Bukhari and Muslim.) A hadith from Malik ibn al-Huwairith has the wording, "Make the takbir and then raise your hands." (Related by Muslim.) This implies that the takbir comes before the raising of the hands, but Ibn Hajr says, "I have not met anyone who holds that the takbir comes before the raising of the hands."

It is preferred to raise one's hands while going to bow and upon coming up from the bow

Twenty-two companions narrated that the Prophet, upon whom be peace, did so. Reported Ibn 'Umar, "When the Prophet, upon whom be peace, stood to pray, he would raise his hands until they were the same height as his shoulders and then he would make the takbir. When he wanted to bow, he would again raise his hands in a similar fashion. When he raised his head from the bowing, he did the same and said, 'Allah hears him who praises Him.' (Related by al-Bukhari, Muslim and al-Baihaqi.) Says al-Bukhari, "He would not do that when he was going to prostrate nor when he came up from his prostration." Al-Bukhari also says, "He would not raise his hands between the two prostrations." Al-Baihaqi has the addition, "He did not stop doing that until he met Allah." Ibn al-Madini said, "In my opinion, that hadith is a proof for the whole creation. Whoever hears it must act by it. There is nothing wrong with its chain." Al-Bukhari wrote a pamphlet on this topic, and related from al-Hassan and Humaid ibn Hilal that the companions used to (perform their prayers) in this manner.

On the contrary, the Hanafiyyah say that one should only raise his hands at the beginning. This is based on the hadith of Ibn Mas'ud, who reported, "I prayed with the Prophet, upon whom be peace, and he raised his hands only once." This is a weak opinion, and many hadith scholars have criticized this report. Ibn Hibban, though, said that this is the best report.

The people of Kufah narrated that the Prophet, upon whom be peace, did not raise his hands upon bowing or rising. But, in fact, this is a very weak statement, for it contains many defects and is therefore invalid. Even if we accept it, as at-Tirmizhi did, it does not invalidate the authentic and well-known hadith mentioned earlier. The author of at-Tanqih says that perhaps Ibn Mas'ud forgot that the Prophet, upon whom be peace, raised his hands. Az-Zaila'i writes in Nasb ar-Rayah, quoting the author of at-Tanqih, "It is not strange that Ibn Mas'ud may have forgotten that. Ibn Mas'ud forgot some things from the Qur'an that the Muslims after him never differed about, and those are the last two surahs of the Qur'an. He forgot how two people are to stand behind the imam, that the Prophet prayed the morning prayer on the Day of Sacrifice (during the hajj) at its proper time, how the Prophet, upon whom be peace, combined his prayers at 'Arafah, the position of the forearms and elbows during the prostration, and how the Prophet, upon whom be peace, recited, 'And Him who created the male and the female.' If it is possible that Ibn Mas'ud forgot all of these things concerning the prayer, is it not possible that he also forgot about raising the hands?"

Nafa' related that when Ibn 'Umar stood for the third rak'ah, he would raise his hands, an action which he ascribed to the Prophet. (Related by al-Bukhari, Abu Dawud and an-Nasa'i.) While describing the Prophet's prayer, 'Ali said that when he stood from the two prostrations, he would raise his hands until they reached his shoulders and make the takbir.

Women have to do this the same way. Says Ash-Shaukani, "Know that this sunnah is to be done by men and women. There is no proof to show that there is any difference between them on this point. There is also no proof to show that they are to raise their hands to different levels."

Fiqh 1.131: Sunnah acts of prayer, Placing the Right Hand upon the Left

This is a preferred act of the prayer. There are twenty hadith from eighteen companions and their followers on this point. Said Sahl ibn Sa'd, "The people were ordered to place their right hand on their left forearm during prayers." Commenting on this, Abu Hazm says, "I do not know if he ascribed this to the Prophet." This hadith is related by al-Bukhari, Ahmad and Malik in his al-Muwatta. Al-Hafez

maintains, "Its ruling is considered to be from the Prophet, upon whom be peace, as it is implied that the one who ordered them to do so was the Prophet." He also related that the Prophet said, "All prophets have been ordered to hasten the breaking of the fast and to delay the (pre-fast dawn) meal, and to place our right hands on our left during prayer."

There is also a hadith from Jabir which says, "The Prophet, upon whom be peace, passed by a man praying with his left hand over his right, and (the Prophet) pulled them away and put his right over his left." This is related by Ahmad and others. Evaluating its chain, an-Nawawi says, "Its chain is sahih. Ibn 'Abdul-Barr holds, "Nothing has reached me different from that. It is the opinion of most companions and their followers." Malik mentioned it in his al-Muwatta and states, "Malik never stopped doing it until he met Allah."

## Fiqh 1.132: Sunnah acts of prayer, The Position of the Hands

Al-Kamal ibn al-Hamam is of the opinion, "There is no authentic hadith stating that one must place the hands under the chest or below the navel. According to the Hanifiyyah, the hands are to be placed below the navel, and the Shafiyyah say below the chest. Ahmad has two narrations corresponding to these two opinions. The correct position is somewhere in the middle - to be equal." Observes at-Tirmizhi, "Knowledgeable companions, their followers and those that came after them believed that one should put his right hand over the left during prayer, while some say above the navel and others say below the navel..." Nevertheless, there do exist hadith that the Propet, upon whom be peace, placed his hands on his chest. Reported Hulb at-Ta'i, "I saw the Prophet, upon whom be peace, praying with his right hand over his left upon his chest above the elbow." This is related by Ahmad and at-Tirmizhi, who grades it as hassan.

Reported Wa'il ibn Hajr, "Once when I prayed with the Prophet, upon whom be peace, he placed his right hand over his left upon his chest." The report is recorded by Ibn Khuzaimah, who considers it as sahih, and by Abu Dawud and an-Nasa'i with the wording, "Then he put his right hand over the back of his left wrist and forearm."

## Fiqh 1.132 a: Sunnah acts of prayer, The Opening Supplication

It is preferred for the person to begin his prayer with one of the supplications that the Prophet, upon whom be peace, used to begin his prayers. This occurs after the opening takbir and before the recitation of al-Fatihah. Some of the supplications that have been related are:

1 Reported Abu Hurairah, "When the Prophet, upon whom be peace, made the opening takbir, he would be quiet for a little while before his recitation. I asked him, 'O Messenger of Allah, may my father and mother be sacrificed for you, why are you quiet between the (opening) takbir and your recitation? What do you say (at that time)?' He said, 'I say, O Allah, make the distance between me and my sins as far as you have made the distance between the East and the West. O Allah, cleanse me of my sins as a white garment is cleansed of dirt. O Allah, purify me from my sins by snow, rain and hail." (Related by al-Bukhari, Muslim, Abu Dawud, an-Nasa'i and Ibn Majah.)

2 Reported 'Ali, that when the Prophet stood for prayer, he would make the takbir and then say, "I have turned my face to the one who created the heavens and the earth as a sincere submissive (person), and I am not one of the polytheists. My prayers, my sacrifice, my life and my death are all for Allah, the Lord of the Worlds. He has no partner. That is what I have been ordered and I am of those who submit. O Allah, you are the King and there is no Lord besides You. You are my Lord and I am Your slave. I have wronged my soul and You are aware of my sins, so forgive all of my sins. No one forgives sins save You. Guide me to the best character. No one can guide to the best of that save You. Turn me away from its evil, and no one can turn me from its evil save You. At your beck and call, all the good is in Your hands and evil is not to You. And I am for You and to You are the blessings and the exaltedness. I seek your forgiveness and return unto You." (Related by Ahmad, Muslim, at-Tirmizhi, Abu Dawud and others.)

3 It is related that 'Umar used to say, after the beginning takbir, "Glory be to You, O Allah, and to You

is the praise. Blessed is Your name and most high is Your honor. There is no Lord besides You." This hadith is related by Muslim with a broken chain. Ad-Daraqutni traces it back to the Prophet and back to 'Umar.

Commenting on it, Ibn al-Qayyim says, "It has been authenticated that 'Umar began with that in the place (of the preceding prayer) of the Prophet, upon whom be peace. He would recite it aloud and teach it to the people. And owing to that fact, it is considered to have its source with the Prophet, upon whom be peace. For that reason, Imam Ahmad says, "I act by what has been related from 'Umar. If a person begins with something that has been related, it is good."

4 'Asim ibn Humaid asked 'Aishah how the Prophet, upon whom be peace, began his late-night prayers. She replied, "You have asked me about something that no one before you has asked. When he would stand for prayer, he would make the takbir ten times (after the opening takbir), and then say 'Al-hamdu lillah' ten times. He would then ask forgiveness ten times, and then would say, "O Allah, forgive me, guide me, provide for me, sustain me and give me refuge from a constraining place on the Day of Resurrection." (Related by Abu Dawud, an-Nasa'i and Ibn Majah.)

5 'Abdurahman ibn 'Auf asked 'Aishah how the Prophet, upon whom be peace, began his prayer when he would pray during the night. She said, "When he would get up during the night, he would begin his prayer with, 'O Allah, Lord of Gabriel, Mikhail and Israfil, Creator of the heavens and the earth, Knower of the Unseen and the Seen. You will judge between Your slaves concerning matters wherein they differ. Guide me to the truth in those matters wherein they differ by Your permission, for You guide whom You will to the straight path." (Related by Muslim, Abu Dawud, at-Tirmizhi, anNasa'i and Ibn Majah.)

6 Nafa' ibn Jubair ibn Mut'am related from his father who said, "I heard the Messenger of Allah say in his voluntary prayer, 'Allahu akbar kabeera' three times, 'al-Hamdu lillah katheera' three times, 'Subhanallahi bukratan wa asila' three times, and then 'O Allah, I seek refuge in You from Satan the accursed and from his pricking, spittle and puffing.' I said, 'O Messenger of Allah, what are his pricking, spittle and puffing?' He said, 'His pricking is the insanity by which he takes the children of Adam. His spittle is arrogance, and his puffing is (evil) poetry." (Related by Ahmad, Abu Dawud, Ibn Majah and Ibn Hibban.)

7 Ibn 'Abbas related that when the Prophet, upon whom be peace, got up for the night prayer, he would say, "O Allah, to You is the praise. You are the support of the heavens and the earth and whatever is therein. To You is the praise. You are the light of the heavens and the earth and whatever is therein. To You is the praise. You are the Truth. Your promise is true. The meeting with You is true. Your speech is true. Paradise is true. Hell-fire is true. Your prophets are true. Muhammad is true. The hour is true. O Allah, to You have I submitted, and in You have I believed. In You I put my trust, and to You do I come. For You do I dispute, and to You is the judgement. Forgive me my earlier and later sins, and what has been private and public. You are the predecessor and the successor. There is no god except You. There is no lord other than You. There is no power or might except in Allah." This hadith is related by al-Bukhari, Muslim, Abu Dawud, at-Tirmizhi, an-Nasa'i, Ibn Majah and Malik. In Abu Dawud's version, the Prophet, upon whom be peace, said that after the opening takbir.

8 It is a preferred act for the one in prayer to seek refuge from Satan between his opening supplication and his Qur'anic recitation. Allah says, "When you recite the Qur'an, seek refuge in Allah from the outcast Satan." In the preceding hadith of Nafa' ibn Jubair, the Prophet is reported to have said, "O Allah, I seek refuge in you from Satan, the outcast." Said Ibn al-Munzhir, "It has been related from the Prophet, upon whom be peace, that he would say, 'I seek refuge in Allah from Satan, the outcast' before reciting."

9 It is sunnah to say ,"I seek refuge in..." silently. In al-Mughni, it states, "One should say the seeking of refuge silently and not aloud, and I do not know of any difference of opinion on that point." But ash-Shaf'i was of the opinion that one may choose between saying it silently or aloud in those prayers recited aloud. It has been related that Abu Hurairah recited aloud, but this report has a weak chain.

10 The seeking of refuge is to be done in the first rak'ah only. Reported Abu Hurairah, "When the Prophet, upon whom be peace, would get up for the second rak'ah, he would begin with 'al-Hamdu lillahi, rabb ul-'aalimeen', without having any period of silence." (Related by Muslim.)

Speaking of it, Ibn al-Qayyim says, "The jurists differ over whether or not that is a time to say, 'I seek refuge...' But they agree that it is not a place to make the opening supplication. On the former point, there are two opinions, both of them related from Ahmad. Some of his companions concluded that either the prayer is only one recitation, so it is sufficient just to seek refuge once, or that each recital is a recital by itself that requires the seeking of refuge. They do not dispute the fact that the opening supplication is for the whole prayer. It is sufficient to seek refuge only once, as it is apparent from the authentic hadith." Then he mentions the preceding hadith of Abu Hurairah, and says, "It is sufficient just to make one opening supplication, since there is no real break between the recital of the prayer. The only thing that is between them is the remembrance of Allah, and so on. Therefore, it will be considered as one recital. Ash Shaukani has the final word, and says, 'It is best just to do what has been related from the sunnah, and that is to seek refuge in the first rak'ah only."

## Fiqh 1.136: Sunnah acts of prayer, Saying 'Ameen

It is sunnah for everyone to say 'ameen after reciting al-Fatihah. The word ameen is not part of al-Fatihah, but rather a supplication meaning, "O Allah, respond (to or answer what we have said). It should be said aloud in the prayers where the recital is aloud, and quietly in the prayers where the recital is silent. Said Na'eem al-Mujamir, "I prayed behind Abu Hurairah and he said, 'In the name of Allah, the Compassionate, the Merciful,' then recited al-Fatihah, and closed it with 'ameen. The people also said 'ameen. After the prayer, Abu Hurairah said, 'By the One in whose Hand is my soul, I have followed the prayer of the Prophet."

Al-Bukhari mentioned this hadith in mu'allaq from while others, such as an-Nasa'i, Ibn Khuzaimah, Ibn Hibban and Ibn as-Siraj related it. Al-Bukhari records that Ibn Shihab (az-Zuhri) said, "The Messenger of Allah, upon whom be peace, would say, 'ameen."

Says 'Ata, "'Ameen is a supplication." Ibn az-Zubair and those behind him would say 'ameen and the mosque would ring with their voices.

Reported Nafa', "Ibn 'Umar did not encourage the people to say it aloud, nor did he discourage them. I have heard him report that." Reporting on this same subject, Abu Hurairah said, "When the Messenger of Allah, upon whom be peace, would recite, '...Not with those with whom You are displeased and not of those who have gone astray,' he would say, 'ameen such that those close to him could hear him." (Related by Abu Dawud.) Ibn Majah's version is, "Until the people in the first row would hear him, and the mosque would ring with the sound." Al-Hakim also relates this hadith, and says that it is sahih according to the criterion of al-Bukhari and Muslim. Al-Baihaqi calls it hassan sahih. Ad-Daraqutni considers it as hassan.

A similar report from Wa'il ibn Jubair says, "I heard the Messenger of Allah, upon whom be peace, recite, '...and not of those who have gone astray,' and then say 'ameen, and make it long with his voice." This was related by Ahmad. Abu Dawud has it with the wording, "And he would raise his voice with it." At-Tirmizhi classifies it as hassan and states, "More than one knowledgeable companion and those who followed them have said that a person should raise his voice while saying 'ameen and not make it silent." Ibn Hajr holds that the chain of this hadith is sahih. Reported 'Ata, "I have found two hundred companions of the Prophet, upon whom be peace, in this mosque and when the imam recited,'...and not of those who have gone astray,' I heard them say 'ameen."'Aishah reported that the Prophet, upon whom be peace, said, 'The Jews do not envy you for anything more than they envy you for the salutations and the saying of 'ameen behind the imam." (Related by Ahmad and Ibn Majah)

It is preferred to say 'ameen along with the imam, and not before or after him

Abu Hurairah reported that the Prophet, upon whom be peace, said, When the imam recites, '... not of those with whom You are angered nor of those who have gone astray,' you should say 'ameen. If this

corresponds to when the angels say it, he will have all of his previous sins forgiven." (Related by al-Bukhari.) He also reported that the Prophet said, "When the imam recites, '...not of those with whom you are angered nor of those who have gone astray,' then say 'ameen (along with the imam), for the angels say 'ameen and the imam says 'ameen. If his 'ameen corresponds to the 'ameen of the angels, he will have his previous sins forgiven." (Related by Ahmad, Abu Dawud and an-Nasa'i.)

### Fiqh 1.137: Sunnah acts of prayer, Qur'anic Recitation after al-Fatihah

It is sunnah for the person to recite a section of the Qur'an after al-Fatihah during the two rak'ah of the morning prayer and the Friday prayer, and the first two rak'ah of the noon, afternoon, sunset and night prayers, and in all of the rak'ah of the superogatory prayers. Abu Qatadah reported that the Prophet, upon whom be peace, would recite al-Fatihah and some surah in the first two rak'ah of the noon prayer, and only al-Fatihah in the last two rak'ah. Sometimes he would recite some verses. The first rak'ah's recital would be longer than the second. That was how it was done in the afternoon and morning prayers. This is related by al-Bukhari, Muslim and by Abu Dawud, who adds, "We think he did that in order to allow people to catch the first rak'ah."

Jabir ibn Sumrah reported that the people of Kufah complained about Sa'd to 'Umar, causing 'Umar to dismiss him and replace him with 'Ammar. They had many complaints about Sa'd, even claiming that he did not pray properly. 'Umar sent for him and said, "O Abu Ishaq (Sa'd), these people claim that you do not pray properly." Sa'd replied, "By Allah, I prayed with them in the same manner that the Messenger of Allah, upon whom be peace, prayed with us, and I never shortened it in any way. I would lengthen the first two rak'ah of the night prayer and shorten the last two." Said 'Umar, "This is what I expected of you." He sent him back to Kufah with one or two people to ask the people of Kufah about him. All of the people praised him until they went to the mosque of the tribe of 'Abs. A man named Usamah ibn Qatadah, also known as Abu Sa'da, stood and said, "Since I am under oath I must inform you that Sa'd never accompanied the army, did not distribute the booty justly, and was not just in his legal verdicts. Sa'd then said, "I pray to Allah for three things: O Allah, if this slave of Yours is lying and stood only for show, then give him a long life, increase his poverty and put him to trials." Years later, when Usamah was asked how he was doing, he would answer that he was an old man in trial due to Sa'd's supplication. 'Abdul-Malik (one of the narrators) said that he had seen the man afterwards with his eyebrows overhanging his eyes due to old age, and he would tease and assault the young girls along the paths. (Related by al-Bukhari.)

Said Abu Hurairah, "A recitation should be done in every prayer. What we heard from the Prophet, upon whom be peace, we let you hear. What he was silent about, we are silent about with you. If one does not add anything to al-Fatihah, it is sufficient. If one does add something, it is good." (Related by al-Bukhari.)

### Fiqh 1.138: Sunnah acts of prayer, How to Perform the Recital after al-Fatihah

This may be done in any of the following manners: Said Al-Hussain, "In the fighting at Khorasan we had three hundred companions with us, and one of them would lead the prayer, recite some verses from the Qur'an and then bow." It is related that Ibn 'Abbas would recite al-Fatihah and some verses from al-Baqarah in every rak'ah. (Related by ad-Daraqutni with a strong chain.) Al-Baihaqi narrates from 'Abdullah ibn as-Sa'ib that the Prophet, upon whom be peace, recited al-Mu'minun in the morning prayer, and when he came to the part which refers to Moses, Aaron or Jesus, he would cough and bow." 'Umar read in the first rak'ah 120 verses from the seven long surahs (Mathnawi). Al-Ahnaf read al-Kahfin the first rak'ah and Yunus or Yusufin the second, and said that he prayed the morning prayer with 'Umar (and he recited them). Ibn Mas'ud read forty verses from al-Anfal in the first rak'ah and a surah from the ten short surahs (Mufassil) in the second. Qatadah reported about a person who read one surah in two rak'ah or repeated the same surah twice, and then commented: 'It is all the Book of Allah." 'Ubaidullah ibn Thabit related that Anas said, "One of the helpers (Ansar) led the people in prayer at (the mosque) of Quba'. Before he began his recitation he would always recite, 'Say: He is Allah, the One,' until he finished that surah, and then he would recite another surah. He did that in every rak'ah. They said to him, 'You begin with that surah, but we don't find it sufficient until you add another surah to it?' He said, 'I will not stop doing so. I like to lead you in the prayer with that. If you

don't like it, I will leave (leading you in the prayers).' They thought that he was the best among them, so they didn't want someone else to lead them. They referred the matter to the Prophet, upon whom be peace, and he said, 'O so and so, what has kept you from doing what your companions have asked you? Why do you keep reciting that surah in every rak'ah?' He said, 'I love that surah.' The Prophet, upon whom be peace, said, 'Your love for that surah will cause you to enter Paradise." A man from the tribe of Juhinah reported that he heard the Prophet, upon whom be peace, recite, "When the earth quakes," in the morning prayer in both rak'ah. And the man said, "I do not know if he forgot that he had recited it or if he did it on purpose." This hadith is related by Abu Dawud. The chain has nothing in it that can be criticized.

## Fiqh 1.139: Sunnah acts of prayer, Recitation after al-Fatihah

Here we shall mention what Ibn al-Qayyim learned about the Prophet's recitation following al-Fatihah in different prayers. He commented, "When the Prophet finished al-Fatihah, he would sometimes make a lengthy recitation, and sometimes a short one if he was travelling or similarly engaged. But most of the time, he made a recitation of intermediate length.

## Fiqh 1.139 a: Sunnah acts of prayer, The Recitation in the Morning Prayer

He would read from sixty to one hundred verses during the morning prayer. Sometimes he would read surah Qal; ar-Rum, at-'Takwir, or az-Zilzal in the last two rak'ah. While travelling, he would sometimes read the last two surahs of the Qur'an. Sometimes he would read the first portion of al-Mu'minun until he would reach the story of Moses and Aaron in the first rak'ah, and then he would cough and bow. On Fridays he would read Alif; Lam, Mim, Tanzil as-Sajdah, or ad-Dahr in their complete forms. He did not do what many people do today, which is reciting part of this surah and part of another. Many ignorant people think that it is best to recite something with a prostration on Friday morning. But this is just plain ignorance. Some scholars dislike that one should read a surah with a prostration due to this ignorant thought. The Prophet, upon whom be peace, used to recite these two surahs because they contained reminders of man's creation, the return unto Allah, the creation of Adam, the entry into Paradise and Hell-fire, and other matters that did or will specifically occur on a Friday. Therefore, he would recite them on Friday to remind his companions of the events of that day. He would recite Qaf, al-Qamr, al-A'la and al-Ghashiyyah on days of great importance like Friday, the 'Id days, and so on.:

## Fiqh 1.140: Sunnah acts of prayer, The Recitation in the Noon Prayers

He would sometimes make this recitation lengthy. Abu Sa'eed even once said, "While he was standing in the noon prayer, one could go to al-Baqi'e and take care of some matter, return to his family, make ablution, return, and still find the Prophet, upon whom be peace, in the first rak'ah due to the length of his recital." (Related by Muslim.) He would sometimes recite all of Alif, Lam, Mim, Tanzil, or al-A'la, or al-Lail, or sometimes al-Buruj or at-Tariq.

## Fiqh 1.140 a: Sunnah acts of prayer, The Recitation in the Afternoon Prayer

This would be half the length of the noon prayer recitation if that recitation was long or the same length if it was short.

## Fiqh 1.140 b: Sunnah acts of prayer, The Recitation in the Sunset Prayer

The Prophet would recite different surahs in the sunset prayer on different days. Sometimes he would recite al-A'raf in the two rak'ahs and sometimes at-Tur or al-Mursilat. Says Abu 'Umar ibn 'Abdul-Barr, "It is related that the Prophet, upon whom be peace, recited al-A'raf or as-Saffat or Ha-Mim Dukhan or al-A'la or at-Tin or the last two surahs of al-Mufassil. All of that is related through authentic chains. " Marwan ibn al-Hakim used to do this, and when Zaid ibn Thabit objected to it he said, "What is wrong with you that you always recite one of the short surahs from al-Mufassil during the sunset prayer? I have seen the Prophet, upon whom be peace, reciting a long chapter therein." Marwan asked, "And what is a long chapter?" He answered, "Al-A'raf." This hadith is sahih. Abu Dawud, an-Nasa'i, Ibn Majah

and at-Tirmizhi related it. An-Nasa'i records that 'Aishah said, "The Prophet, upon whom be peace, read al-A'raf during the sunset prayer and he divided it between the two rak'ahs." To always recite a short surah from al-Mufassil is an act that differs from the sunnah, and this is what Marwan ibn al-Hakim did.

## Fiqh 1.141: The Recitation in the Night Prayer

In the night prayer, the Prophet would recite at-Tin, and he taught Mu'azh to recite ash-Shams, al-A'la, al-Lail, and so on. He objected to Mu'azh reciting al-Baqarah at that time. After the prayer, he (Mu'azh) went to the tribe of 'Amr ibn 'Auf, and when part of the night had passed, he repeated his prayer, and recited al-Baqarah there. On being informed about him, the Prophet said to him, "Mu'azh, are you one who puts people to hardships?"

## Fiqh 1.141 a: Sunnah acts of prayer, The Recitation in the Friday Prayer

He would recite alJumu'ah, al-Munafiqun or al-Ghashiyyah, in their complete forms, or al-A'la and al-Ghashiyyah. He never recited just the ending of some surahs which began with "O you who believe..." surah alJumu'ah). Those who insist on doing so every Friday are not following the sunnah.

## Fiqh 1.141 b: Sunnah acts of prayer, The Recitation in the Two 'Ids

He would recite Qafor al-Qamar completely, and sometimes al-A'la and al-Ghashiyyah. The rightly guided caliphs did the same. Once Abu Bakr read al-Baqarah in the morning prayer until the sun was about to rise. They said, "O successor of the Messenger of Allah, the sun is about to rise." He said, "Had it risen, you would not have found us negligent." 'Umar would recite Yusuf, an-Nahl, Hud, al-Isra' and similar surahs. If reciting long surahs was abrogated, it would have been known to the khalifahs or to those who may have criticized them. Muslim records from Jabir ibn Sumrah that the Messenger of Allah, upon whom be peace, recited Qaf in the morning prayer, and that his subsequent prayers during that day would be shorter. Umm al-Fazhl heard Ibn 'Abbas recite al-Mursilat and she told him, "O my son, that recital reminded me of that surah. It was the last one that I heard the Prophet, upon whom be peace, recite, and he read it in the sunset prayer." That is one of the latest actions that we have from him.

Given the above, we may now interpret the Prophet's hadith, "O you who lead the people in prayer, be easy on them," and Anas' statement, "The Prophet, upon whom be peace, conducted the prayer very lightly, though it was complete." 'Easiness' or 'lightness' is a relative term. We must return to how the Prophet behaved to understand and follow his example correctly. It is not to be determined by the whims and desires of those who are present for prayer. The Prophet, upon whom be peace, did not order the people to differ from his practice, even though he knew that behind him were the aged, weak and people with needs to tend to. He performed his prayer in the same manner that he asked others to pray--'light' or 'easy'. If his prayers were somewhat long, they were still easy compared to how long he could have made them. The guidance that he came with and practiced is the one that decides our affairs and disputes for us. This is supported by the hadith recorded by an-Nasa'i and others in which Ibn 'Umar reported that the Prophet, upon whom be peace, ordered those who lead prayers to be 'easy' by reciting as-Saffat. Therefore, a surah the length of as-Saffat is part of what the Prophet, upon whom be peace, meant when he said that the imams should be easy on the people.

## Fiqh 1.142: Sunnah acts of prayer, Reciting a Specific Surah

The Prophet, upon whom be peace, did not confine his recitation of the Qur'an in prayers to some specific surahs, (except for the Friday and 'Id prayers). Concerning the other prayers, Abu Dawud has recorded a hadith from 'Amr ibn Shu'aib from his father on the authority of his grandfather who said, "There is no separate surah, large or small, except the ones I heard the Prophet recite while leading the people in one of the obligatory prayers. He used to recite the entire surah in two rak'ahs, or just the initial part of the surah. It has not been recorded from him that he would recite from the middle or the end of the surah, nor that he would recite two surahs in one rak'ah during the obligatory prayers. He would, however, do so during voluntary prayers. Said Ibn Mas'ud, "I know the surahs the Prophet used to recite together in one rak'ah: ar-Rahman and an-Najm, al-Qamar and al-Haqqah, at-Tur and azh-

Zhariyat, al-Waqi'ah and Noon, and so on." But this hadith does not tell us if this was during obligatory or voluntary prayers. The latter is more probable. He rarely recited one surah in two (both) rak'ahs. Abu Dawud records that a man from the tribe of Juhainah heard the Prophet, upon whom be peace, recite the complete surah az-Zil~al twice in both rak'ahs of the morning prayer. The man commented, "I do not know if he did this out of forgetfulness or if he recited it twice intentionally."

## Fiqh 1.143: Sunnah acts of prayer, Lengthening the First Rak'ah of the Morning Prayer

The Prophet, upon whom be peace, would make the first rak'ah of the morning prayer longer than the second. At times, he would continue to prolong his recitation until he heard no more footsteps (of the people coming to catch the prayer). He made the morning prayer the longest of his (obligatory) prayers. This is because its recitation is witnessed by Allah and the angels. It is also stated that it is witnessed by both the angels who record the daytime deeds and those who record the nighttime deeds. Whether it is Allah and His angels or His angels alone who witness that time, or does it continue until the morning prayer is over or until the sun rises cannot be said with certainty, though both of the statements are correct.

Furthermore, since the morning prayer has the least number of rak'ah, the recitation is prolonged to compensate for it. It is prayed right after sleep. As such, people are well rested. Also, it occurs before they have engaged themselves in their livelihood and other worldly affairs. The spirit as well as the body is responsive to the words of Allah. This makes the recital easier to ponder over and comprehend. Also, prayer is the basis and the first of all works. Therefore, it is preferred to prolong the recital of the morning prayer. This would be recognized by one who is familiar with Islamic law and its aim, purpose and wisdom.

## Fiqh 1.144: Sunnah acts of prayer, How The Prophet Would Recite the Qur'an

He would draw out his voice over the long vowels, pause at the end of every verse, and elongate his voice with the recital. This ends the section that has been taken from the writings of Ibn al-Qayyim.

## Fiqh 1.144 a: Sunnah acts of prayer, What Is Preferred to be Done During the Recitation

It is sunnah to make one's voice beautiful and nice while reciting the Qur'an. The Prophet, upon whom be peace, said, "Beautify your voices with the Qur'an." He also said, "He is not one of us who does not chant the Qur'an," "The one with the best voice with the Qur'an is the one that when you hear him, you feel that he fears Allah," and "Allah never listened to anything like he listened to his Prophet chanting the Qur'an with a beautiful voice."

Says an-Nawawi, "It is sunnah for anyone who is reciting the Qur'an, whether he is praying or not, to ask Allah for His blessings when he comes to a verse of mercy. When he comes to a verse (describing) punishment, he should seek refuge in Allah from Hellfire, punishment, evil, from what is hated, or he may say, "Allah, I ask You for well-being, etc." When he comes to a verse that glorifies or exalts Allah, he should say, "Glory be to Allah," or "Blessed be Allah, the Lord of the Worlds," and so on. Huzhaifah ibn al-Yaman is reported to have said, "I prayed with the Prophet, upon whom be peace, one night, and he started reading al-Baqarah. I said to myself, 'He will bow after one hundred verses,' but he continued. Then I said, 'He will complete it and bow,' but he moved to recite very slowly al 'Imran and then an-Nisa'. When he came to a verse glorifying Allah, he would glorify Him. If he came to a verse that mentioned a request, he would request it. If he came to something that (one should) seek refuge from, he would seek refuge." This was related by Muslim. Among the Shafiyyah, the glorifying, requesting and seeking refuge should be done during the prayer and at other times. The imam, followers and one praying by himself should all do so, for they are supplications that one should say, like 'ameen. It is preferred that when reading, "Is not Allah the most conclusive of all judges?" / at-Tin:8 / one should say, "Certainly, and I am one of the witnesses to that. When one reads, "Is not He (who does so) able to bring the dead to life? / al-Qiyamah:40 /, he should say, "Certainly, and I bear witness (to it)." When one reads, "Glorify the name of your Lord, the Most High," ( al-A'la: 1 ), he should say, "Glory to my Lord, the Most High." That should be said during prayer and otherwise.

## Fiqh 1.145: Sunnah acts of prayer, When The Prayer is to be Aloud or Subdued

It is sunnah to recite aloud in the two rak'ah of the morning and the Friday congregational prayer, in the first two rak'ah of the evening and the night prayer, in the two 'id prayers, the prayer for eclipses, and the prayer of asking for rain. The recital should be subdued during all of the noon and the afternoon prayer, during the last rak'ah of the evening prayer, and during the last two rak'ah of the night prayer. Concerning voluntary prayers, those made during the days should be subdued, while those made during the night can be either loud or subdued.

## Fiqh 1.145 a: Sunnah acts of prayer, It is best to be moderate in one's recital

One night, the Prophet, upon whom be peace, passed by Abu Bakr when he was praying in a very low voice, and he passed by 'Umar who was praying with his voice raised. (Later), when they were together with him, he said, "O Abu Bakr, I passed by you and you were praying in a very low voice." He said, "O Messenger of Allah, the one who I was praying to could hear me." And he said to 'Umar, "O 'Umar, I passed by you and you were praying with a raised voice." He said, "O Messenger of Allah, this was to stop the drowsiness and to drive away Satan." The Prophet, upon whom be peace, said, "O Abu Bakr, raise your voice somewhat. And 'Umar, lower your voice somewhat." (Related by Abu Dawud and Ahmad.) If one forgets and recites aloud when he should be silent or vice-versa, there is no blame upon him. If one recalls the correction while he is doing the mistaken act, he may change to the correct way.

## Fiqh 1.146: Sunnah acts of prayer, Reciting Behind an Imam

One's prayer is not accepted unless al-Fatihah is recited in every rak'ah. But, one who is praying behind an imam is to keep quiet while the imam is reciting aloud, as Allah says in the Qur'an, "When the Qur'an is recited, listen and remain silent that you may attain mercy." The Prophet, upon whom be peace, also said, "When the imam makes the takbir, (you too) make the takbir. When he recites, be silent." (Related by Muslim.) One hadith states, "Whoever is praying behind an imam, the imam's recital is his recital. If the imam reads quietly, then all of the followers must also make their own recital. If one cannot hear the imam's recital, he must make his own recital.

Commenting on this subject, Abu Bakr al-'Arabi says, "What we see as the strongest opinion is that one must recite during the prayers in which the imam's recital is subdued. But, during the prayers where the imam recites aloud, one may not recite. This is based on the following three proofs:

1 This was the practice of the people of Madinah,

2 it is the ruling of the Qur'an, as Allah says, "When the Qur'an is recited, listen and remain silent," and

3 this is supported by two hadith: one from 'Imran ibn Hussain states, 'I know that some of you compete with me (in my recital...),' and 'If it is recited, you should listen.' The preceding hadith is the weightiest position according to the following argument: If one cannot recite along with the imam, then when can one recite? If one says, 'While he is silent,' then we say, 'It is not necessary for him to be silent,'7 so how can something that is obligatory be dependent on something that is not obligatory? But we have found a way in which the person may 'recite' with the imam, and that is the recitation of the heart and of concentrating on what is being recited. This is the method of the Qur'an and the hadith, and the way the worship has been preserved. It is also part of following the sunnah. One is to act by what is the strongest (opinion). This was also the choice of az-Zuhri and Ibn al-Mubarak, and it is a statement from Malik, Ahmad and Ishaq. Ibn Taimiyyah supports it and shows it to be the strongest opinion.

## Fiqh 1.147: Sunnah acts of prayer, Making the Takbir upon Moving from Position to Position

It is sunnah to make the takbir upon every rising, lowering, standing or sitting, except when one comes up from bowing, in which case one should say, "Allah hears him who praises Him." Reported Ibn Mas'ud, "I saw the Messenger of Allah make the takbir upon every lowering, rising, standing and

sitting." This is related by Ahmad, an-Nasa'i and at-Tirmizhi, who called it shaih.

Says at-Tirmizhi, "The companions of the Prophet, upon whom be peace, including Abu Bakr, 'Umar, 'Uthman, 'Ali and others, acted according to this hadith, as did their followers and the majority of the jurists and scholars." Abu Bakr ibn 'Abdurahman ibn al-Harith reported that he heard Abu Hurairah say, "When the Prophet, upon whom be peace, stood for prayer, he would make the takbir while standing. Then he made the takbir while bowing. When coming up from the bowing, he would say, "Sami'Allahu liman hamidah (Allah hears him who praises Him). While standing, he would say, "Rabbana lakal-hamd (Our Lord, to You is the praise)." Then he would say, "Allahu akbar" when he would go down for the prostration, when he raised his head, and when he stood from his sitting after the two prostrations. He did that in every rak'ah until he finished the prayer. He prayed in that manner until he left this world." (Related by Ahmad, al-Bukhari, Muslim and Abu Dawud.)

'Ikrimah said to Ibn 'Abbas, "I prayed the noon prayer in al-Butha behind a foolish old man. He would make twelve takbirs by saying it when he prostrated and when he raised his head." Ibn 'Abbas said, "That is the prayer of Abu al-Qasim (the Prophet)." (Related by Ahmad and al-Bukhari.) It is preferrable to start the takbir when one begins one's changing of position.

## Fiqh 1.147 a: Sunnah acts of prayer, The Manner of Bowing

When one bows, one's hands must reach one's knees. It is sunnah to make the height of the head equal to that of the hips. The hands should be supported by the knees and should be apart from one's sides. The hands should be open upon one's knees and thighs, and the palms should be flat. It is reported that 'Uqbah ibn 'Amr would bow with his arms separated, his hands on his knees, and his fingers opened beyond his knees. He said, "This is how I saw the Messenger of Allah pray." (Related by Ahmad, Abu Dawud and an-Nasa'i.)

Abu Humaid reported that when the Prophet, upon whom be peace, bowed, he would be straight, his head neither up nor down (with respect to his hips), and he would place his hands on his knees as if he was holding them." (Related by an-Nasa'i.)

Muslim records 'Aishah reporting that when the Prophet bowed, his head would be neither risen nor lowered, but rather between those two positions. Said 'Ali, "If you put a cup of water on the back of the Prophet, upon whom be peace, while he was bowing, its contents would not spill." This is related by Ahmad. Abu Dawud recorded it in his Kitab al-Muraseel.

Said Mus'ab ibn Sa'd, "I prayed next to my father. I joined both of my hands and put them between my thighs (while bowing). He stopped me and said, 'We used to do that, but were later ordered (by the Prophet) to put our hands on our knees."' (Related by "the group.")

## Fiqh 1.148: Sunnah acts of prayer, The Remembrance of Allah During the Bowing

It is preferred to remember Allah with the following words, "Subhana Rabiyy al-'Azheem (Glory to my Lord, the Great.)" Reported 'Uqbah ibn 'Amr, "When 'Glorify the name of your Lord, the Great,' was revealed, the Prophet told us, 'Do so in your bowings." This is related by Ahmad, Abu Dawud and others with a good chain.

Reported Huzhaifah, "I prayed with the Messenger of Allah, upon whom be peace, and while bowing he would say, 'Subhana Rabiyy al-'Azheem." (Related by Muslim, Abu Dawud, an-Nasa'i, at-Tirmizhi and Ibn Majah.)

The phrase Subhana Rabiyy al-'Azheem wa bihamdihi has been related through a number of chains, but all of them are weak. Ash-Shaukani maintains, "The different chains support each other. It is perfectly acceptable for one who is praying to limit himself to Subhana Rabiyy al-'Azheem or to add one of the following:

1 'Ali reported that while bowing, the Messenger of Allah, upon whom be peace, would say, "O Allah, for You have I bowed, and it is You that I have believed in and to You have I submitted. You are my Lord. My hearing, sight, marrow, bones and nerves and what is carried by my feet are for Allah, the Lord of the Worlds." (Related by Ahmad, Muslim, Abu Dawud and others.)

2 'Aishah reported that while bowing and prostrating, the Messenger of Allah, upon whom be peace, would say, "Glorified and Holy are You, Lord of the angels and the souls."

3 Reported 'Auf ibn Malik, "I prayed with the Messenger of Allah one night. He recited al-Baqarah and while bowing said, 'Glory be to the One of Omnipotence, the Master of the dominions, of grandeur and of honor."' (Related by Abu Dawud, at-Tirmizhi and an-Nasa'i .)

4 'Aishah said that when the Prophet, upon whom be peace, bowed or prostrated, he would often say, "Glory and praise be to You, O Allah, our Lord. O Allah, forgive me." This was how he applied the Qur'an. (Related by Ahmad, al-Bukhari, Muslim and others.)

Fiqh 1.149: Sunnah acts of prayer, What Is Said Upon Rising From Bowing and Standing

It is preferred for the one who is praying, whether he be the imam, follower or praying by himself, to say, "Allah hears him who praises Him," upon coming up from the bowing. When he is standing straight, he should say, "Our Lord, and to You is the praise," or "O Allah, Our Lord, and to You is the praise." Abu Hurairah reported that when the Prophet, upon whom be peace, rose from bowing he would say, "Allah hears him who praises Him," and while standing (straight) he would say, "Our Lord, and to You is the praise." (Related by Ahmad, al-Bukhari and Muslim.)

Al-Bukhari records in the hadith from Anas, "When he says, 'Allah hears him who praises Him,' you say, 'O Allah, our Lord, and to You is the praise." Ahmad and others record a hadith from Abu Hurairah in which the Prophet, upon whom be peace, is quoted as saying, "When the imam says, 'Allah hears him who praises Him,' you say, 'O Allah, our Lord, and to You is the praise.' If one's statement corresponds to that of the angels, all of his previous sins will be forgiven." The Prophet said, "Pray as you have seen me pray." This applies to all of his glorifying and praise statements, even if the person is following the imam. The answer to those who say, 'One should not combine both of these sayings' ('Allah hears him...' and 'O Allah, our Lord...') but only say the one of praise, has been given by an-Nawawi who said, "Our companions say that the mentioning of the command, 'And you should say, O Allah, our Lord...' is in conjunction with 'Allah hears him who praises him.' But the Prophet, upon whom be peace, only mentioned the statement, 'O Allah, Our Lord, to you is the praise,' because they had already heard the statement, 'Allah hears him who praises Him' aloud from him. It was his sunnah to say that phrase aloud, but they did not hear him say, 'Our Lord, to You is the praise' because he said it in a subdued voice. They knew the Prophet's words, 'Pray as you have seen me pray,' and knew that it was to be taken in the general sense without any restrictions. They used to say, 'Allah hears him who praises Him,' and therefore there was no need for the Prophet, upon whom be peace, to order them to say it again. But they did not know, 'Our Lord, to You is the praise,' and therefore he ordered them to say it."

The two phrases are the least that one should say while standing. But one may add any of the supplicatory words mentioned in the following hadith:

1 Said Raf ah ibn Rafa', "One day we prayed behind the Messenger of Allah, upon whom be peace. When he raised his head from bowing, he said, 'Allah hears him who praises Him,' and a man behind him said, 'Our Lord, to You is the praise, as much as it can be and as blessed as it can be.' When the Prophet, upon whom be peace, finished the prayer he said, 'Who said that phrase earlier?' A man said, 'I did, O Messenger of Allah.' The Prophet said, 'I saw more than thirty angels chasing after you to see who would record it first."' (Related by Ahmad, al-Bukhari, Malik and Abu Dawud.)

2 'Ali reported that when the Prophet raised his head from bowing he would say, "Allah hears him who praises Him, and to You is the praise filling up the heavens and the earth, what is between them and filling up whatever You wish in addition to that." (Related by Ahmad, Muslim, Abu Dawud and at-Tirmizhi.)

3 'Abdullah ibn Abu 'Aufa reported that when the Prophet raised his head from bowing he would say, "O Allah, to You is the praise filling up the skies and the earth and filling up whatever You wish in addition to that. O Allah, purify me with snow, hail and cold water. O Allah, purify me from sins and cleanse me from them as one cleans a white garment from filth." (Related by Ahmad, Muslim, Abu Dawud and Ibn Majah.)

4 Said Abu Sa'eed al-Khudri, "When the Prophet, upon whom be peace, would say, 'Allah hears him who praises Him,' he would (also) say, 'O Allah, to You is the praise filling up the skies and the earth, and filling up what You wish in addition to that. You are the One who is worthy of praise and glory. This is the most correct statement that a slave could make. And we are all slaves unto You. There is no one who can prevent what You have given. And there is no one who can give what You have prevented. No one can benefit from fortune (in the face of) Your fortune."' (Related by Muslim, Ahmad and Abu Dawud.)

5 It has also been authentically reported from the Prophet, upon whom be peace, that after saying "Allah hears him who praises Him," he would say, "To my Lord is the praise, to my Lord is the praise," until he would be standing for as long as he was bowing.

## Fiqh 1.151: Sunnah acts of prayer, How To Prostrate

Most scholars prefer that one place his knees on the floor before his hands. Ibn al-Munzhir related this from 'Umar an-Nakha'i, Muslim ibn Yasar, Sufyan al-Thauri, Ahmad, Ishaq and other jurists including Ibn al-Munzhir himself. Abu at-Tayyeb said that most jurists agree with this. Ibn al-Qayyim said, "When the Prophet, upon whom be peace, prayed, he would place his knees (on the floor) before his hands, then his hands, his forehead and nose. This is what is authentic and has been related by Shuraik from 'Asim ibn Kaleeb on the authority of his father from Wa'il ibn Hajr who said, 'I saw the Messenger of Allah, upon whom be peace, while prostrating, placing his knees (on the floor) before his hands. Upon getting up, he would raise his hands before his knees. I never saw him do otherwise." Malik, al-Auza'i, Ibn Hazm and Ahmad maintain that it is preferred to place the hands down first and then the knees. Says al-Auza'i, "I saw the people placing their hands on the floor before their knees." Ibn Abu Dawud comments, "That is the statement of the people of hadith." There is also a difference of opinion concerning how one should stand up from the prostration after the first (or third) rak'ah. Some say one should raise the hands from the floor first while others say that one should raise the knees first.

It is preferred for the one who is prostrating to follow the following points:

One should place one's nose, forehead and hands upon the floor

They should be separated from the sides of the body. Wa'il ibn Hajr reported that when the Messenger of Allah prostrated, he would place his forehead between his palms and separate his arms from the sides of his body. (Related by Abu Dawud.) Abu Humaid reported that when the Prophet, upon whom be peace, prostrated, he would place his nose and forehead upon the floor, keep his arms away from his sides, and place his hands parallel to his shoulders. This is related by Ibn Khuzaimah and at-Tirmizhi, who called it hassan sahih.

One should place one's hands parallel to one's ears or shoulders

As both of these acts have been related. Some scholars combine these two acts by placing the ends of the thumbs parallel to the ears and the palms parallel to the shoulders.

One should have one's fingers together and stretched out

AlHakim and Ibn Hibban record that when the Prophet, upon whom be peace, bowed he would have his fingers separated and when he prostrated he would keep his fingers together.

One should have one's fingers facing the qiblah

Al-Bukhari recorded from Abu Humaid that when the Prophet, upon whom be peace, prostrated, his fingers would be neither spread out nor clasped together, and his toes would be directed toward the qiblah.

## Fiqh 1.152: Sunnah acts of prayer, The length of time of the prostration and what is to be said therein

It is preferred for the one who is prostrating to say Subhana Rabiyy al-A'la (Glory to my Lord, the Most High). 'Uqbah ibn 'Aamr related that when, "Glorify the name of your Lord, the Most High" was revealed, the Prophet, upon whom be peace, said, "Do so in your prostrations." This is related by Ahmad, Abu Dawud, Ibn Majah and al-Hakim. Its chain is good.

Huzhaifah reported that when the Prophet, upon whom be peace, prostrated, he would say "Subhana Rabiyy al-A'la. " This is related by Ahmad, Muslim, Abu Dawud, an-Nasa'i, Ibn Majah and at-Tirmizhi, who called it hassan sahih. It is a must that one not repeat these sayings less than three times during the bowings and prostrations. Says at-Tirmizhi, "The scholars prefer the one bowing or prostrating to make the glorifications at least three times." According to the majority, the minimum that is sufficient for the prostrations or bowings is one glorification. We have already mentioned that "calmness" is obligatory, and this requires a time of at least one glorification.

According to some scholars, the complete glorification is ten. This is based on the following hadith: Sa'eed ibn Jubair related that Anas said, "I have not seen anyone being more similar to the Prophet's prayer than this boy ('Umar ibn 'Abdul-'Aziz). We estimated the number of the glorifications that he made during his bowing to be ten and in his prostrations also to be ten." This is related by Ahmad, Abu Dawud and an-Nasa'i with a good chain.

Commenting on the subject, ash-Shaukani says, "Some hold that this proves that the complete (number of) glorifications is ten. The more sound opinion is that an individual who is praying may offer as many glorifications as he wishes. There are authentic hadith that state that the Prophet, upon whom be peace, elongated his glorifications during prostrations. The imam may also do so if he knows the followers will not get tired by making it longer."

Says Ibn 'Abdul-Barr, "It is a must that every imam should be easy (by not making the prayers too long) as has been ordered by the Prophet, even if he knows that those behind him are strong, because he does not know what may have happened to them and what needs they may have to tend to."

Ibn al-Mubarak maintains, "It is preferred for the imam to make five glorifications. Therefore, all the people behind him would be able to make (at least) three. It is preferred that one not limit his remembrance during the prostrations to just the glorifications, but he should add some supplications to it. In an authentic hadith, it is recorded that the Prophet said, 'The closest one of you comes to his Lord is while he is prostrating, (therefore) make many supplications therein.' And he also said, 'I have prohibited you from reciting while bowing or prostrating. During the bowing, glorify the Lord. During the prostrations, strive your hardest in making supplications. Most likely, you will be listened to." This was related by Ahmad and Muslim.

Many hadith are related on this topic, including:

1 'Ali reported that when the Prophet prostrated he would say, "O Allah, to You have I prostrated, in You have I believed, and to You have I submitted. I have prostrated my face to the One who created me and formed me in the best of forms. He is the One who gave it hearing and sight. Blessed be Allah, the Best of Creators." (Related by Ahmad and Muslim.)

2 While describing the Prophet's late night prayers, Ibn 'Abbas said, "Then he would go to pray and during his prayer or prostration, he would say, 'O Allah, place light in my heart, in my hearing, in my sight, on my right, on my left, in front of me, behind me, above me, below me, and make me light." Reported Shu'bah, "Or he said, 'And make for me light." (Related by Muslim, Ahmad and others.)

Talking of light, an-Nawawi observes, "The scholars say that asking for light for all organs and sides means (asking) to have the truth and guidance made clear for one's self. He asked for this so that there would be no deviation or misguidance left in him."

3 Reported 'Aishah, "I once noticed the Prophet missing from his place of sleep. I felt over his place with my hand and found him prostrating. He was saying, 'O Lord, give my soul God-consciousness and purify it, for You are the best of those who purify. You are its Guardian and Protector." (Related by Ahmad.)

4 Abu Hurairah reported that the Prophet, upon whom be peace, would say while prostrating, "O Allah, forgive all of my sins, the small and large, the first and last, the public and private." (Related by Muslim, Abu Dawud and al-Hakim.)

5 Reported 'Aishah, "One night I missed the Prophet from his bed. I looked for him and found him praying. He was prostrating, his feet were in an upright position and he was saying, 'O Allah, I seek refuge in Your pleasure from Your anger. I seek refuge in Your granting of well-being from Your punishment. I seek refuge in You from You. The praise cannot encompass You and You are as You have praised Yourself." (Related by Muslim, Abu Dawud and an-Nasa'i.)

6 She also reported that one night he was missing and she suspected that he had gone to another one of his wives. She found him while he was bowing or prostrating, and he was saying, "Glory be to You, O Allah, and to You be praise. There is no god besides You." She said, "May my father and mother be sacrificed for you. I thought you were doing something and you were doing something else." (Related by Muslim, Ahmad and an-Nasa'i.)

7 While prostrating the Prophet, upon whom be peace, would say, "O Allah, forgive me (those things that I have been) mistaken in or ignorant, and the action that I have been extravagant in, for You are more knowledgeable of them than me. O Allah, forgive me my serious mistakes and my joking mistakes, my mistakes (that I was unaware of) and of my intentional mistakes, and everything of that which I have done. O Allah, forgive me my past sins and later sins and what was private and what was public. You are my God, and there is no god except You."

## Fiqh 1.154: Sunnah acts of prayer, Sitting Between the Two Prostrations

It is sunnah to sit "spread out" between the two prostrations (to put the left foot down and to sit upon it and to keep the right foot upright with the toes pointing toward the qiblah). 'Aishah reported that the Prophet would lay out his left foot and keep his right foot upright. (Related by al-Bukhari and Muslim.) Ibn 'Umar reported that it is from the sunnah to keep the right foot upright, with its toes pointing toward the qiblah, and to sit upon the left foot. (Related by an-Nasa'i.) Reported Nafa', "When Ibn 'Umar prayed, he would face the qiblah, even his shoes." (Reported by al-Athram.) In the hadith of Abu Humaid, in which he described the prayer of the Prophet, he stated, "Then he would lay down his left foot and sit upon it until all of his bones were in place, and then he would go to make the prostration (again)." (Related by Ahmad, Abu Dawud, and at-Tirmizhi who classified it as sahih.)

It has also been related that ifa'a (laying out both feet and sitting upon one's heels) is a preferred act. Comments Abu 'Ubaidah, "This is the statement of the people of hadith." Abu az-Zubair related that he heard Tawus say, "We asked Ibn 'Abbas about ifa'a, and he said, 'It is sunnah to do so.' We said, 'We think it to be too harsh for the man.' He said, 'It is a sunnah of your Prophet, upon whom be peace." (Related by Muslim.)

Ibn 'Umar reported that when the Prophet rose from the first prostration, he would sit upon his toes. He used to say, "That is from the sunnah." Reported Tawus, "I saw the 'Abdullahs ('Abdullah ibn 'Abbas, 'Abdullah ibn 'Umar and 'Abdullah ibn az-Zubair) sitting with their feet laid flat." The last two reports were related by al-Baihaqi. Talking of its authenticity, Ibn Hajr says, "Its chain is sound."

Concerning iqa'a--sitting with the buttocks on the ground and with the thighs straight on the ground--it

is disliked by all scholars. Said Abu Hurairah, "The Prophet prohibited us from three things: pecking like a rooster (making the prostration very quickly), sitting like a dog (iqa 'a), and not turning one's whole head like a fox." This is related by Ahmad, al-Baihaqi, at-Tabarani and Abu Tala with a hassan chain. It is preferred for the one who is sitting between the two prostrations to put his right hand on his right thigh and his left hand on his left thigh with the fingers stretched out and directed toward the qiblah. The fingers should be slightly separated and should not go beyond the knees.

### Fiqh 1.156: Sunnah acts of prayer, Supplications Between the Two Prostrations

It is preferred to make one of the following supplications between the two prostrations. One may repeat them more than once if one wishes to do so. An-Nasa'i and Ibn Majah recorded that Huzhaifah reported that between the two prostrations, the Prophet would say, "O Lord, forgive me." Abu Dawud recorded from Ibn 'Abbas that while prostrating, the Prophet, upon whom be peace, would say, "O Allah, forgive me, have mercy on me, grant me well-being, guide me and provide for me."

### Fiqh 1.156 a: Sunnah acts of prayer, The Sitting of "Rest"

This refers to a quick sitting that one makes after the second prostration of the first and third rak'ah. The scholars differ over this regulation due to the differing hadith. Says Ibn al-Qayyim, "The jurists differ over this act. Is it a sunnah of the prayer that one should perform, or is it only done due to some necessity? There are two statements on this question and two narrations from Ahmad. Said al-Khallal, 'Ahmad referred to the hadith of Malik ibn al-Huwairith regarding the intermediate position of rest (between the two prostrations). He said, 'Yusuf ibn Musa informed me that Abu Umamah was asked about standing up (in the prayer) and he said, 'It should be done on the tops of the feet according to the hadith of Rafa'.' In the hadith of Ibn 'Ajlan there is no proof that he would stand on the tips of his feet. Many of the companions and others who described the prayers of the Prophet did not mention this sitting, except in what is related by Abu Humaid and Malik ibn al-Huwairith. If it was part of his guidance, he would always do it, and those who described his prayers would have mentioned it.

The fact that he may have done so does not necessarily make it one of the sunnahs of the prayer, unless he did it as a regular practice for the people to follow. Otherwise, he may have done it out of some need to do so, and this would not prove that it is a sunnah of the prayer."

### Fiqh 1.157: Sunnah acts of prayer, Sitting for Tashahud

One should sit for the tashahud and place his hands in the following manner:

1 Ibn 'Umar reported that when the Prophet sat for the tashahud, he would place his left hand on his left knee and his right hand upon his right knee, and he would form a ring like (fifty-three) and point with his index finger. In another narration it is reported, "He would close his hand and point with his index finger." (Related by Muslim.)

2 Wa'il ibn Hajr reported that the Prophet would place his left palm on his left thigh and knee. He would place the end of his right elbow upon his right thigh and would then close his right hand, forming a circle. In another narration it states, "He would make a circle with his middle finger and thumb and point with his index finger. Then he would raise his finger, and (Wa'il) saw him moving it to make supplications." (Related by Ahmad.) Explaining the hadith, al-Baihaqi says, "The implication of 'he would move it' is that he would point with it, not that he would continue to move it." This would be in agreement with the narration of Ibn az-Zubair who reported, "The Prophet would point with his finger while supplicating, and he would not move it." This is related by Abu Dawud with a sahih chain. An-Nawawi also mentioned it.

3 Reported az-Zubair, "When the Prophet sat for tashahud, he would place his right hand on his right thigh and his left hand on his left thigh. He would point with his middle finger, and would not look beyond his pointing." (Related by Ahmad, Muslim and anNasa'i.) This hadith shows that one is to place the right hand on the right thigh without closing the hand (making a fist), and that he is not to look

beyond his pointing.

The preceding three hadith are all authentic, and one may act by any of them.

One should point with one's right index finger, bending it a little, until one says the salaams at the end of the prayer. Reported Numair al-Khaza'i, "I saw the Messenger of Allah sitting in the prayer with his forearm along his right thigh. His index finger was raised, curved (or bent) a little, and he was supplicating." This is related by Ahmad, Abu Dawud, an-Nasa'i, Ibn Majah and Ibn Khuzaimah with a good chain.

Said Anas ibn Malik, "The Messenger of Allah, upon whom be peace, passed by Sa'd while he was making supplications (and using) two fingers. The Prophet said to him, 'Just one, Sa'd"' This is related by Ahmed, Abu Dawud, an-Nasa'i and al-Hakim.

Ibn 'Abbas was asked about a man who pointed with his finger while supplicating, and he said, "This is sincere devotion." Says Anas ibn Malik, "That is imploring." Mujahid maintains "Doing this hinders Satan." According to the Shai'iyyah, one points with the finger only once, when saying "except Allah" in the statement bearing witness. The Hanifiyyah raise the finger in the denial part of the statement (there is no god) and put it back down during the confirmation part (except Allah). The Malikiyyah move the finger to the left and right until they finish the prayer. The Hanbaliyyah point with the finger every time they mention Allah, as a reflection of the oneness of Allah, and they do not move it.

## Fiqh 1.158: Sunnah acts of prayer, Sitting for the First and Second Tashahud

When Abu Humaid described the prayer of the Prophet, upon whom be peace, he said, "When he sat after two rak'ah, he would sit upon his left leg and keep his right foot upright. When he sat for the last rak'ah, he would pull over his left foot and put his right foot upright (over the left foot) and sit upon his entire posterior." (Related by al-Bukhari.)

Most scholars say that the first tashahud is sunnah

This is based on the hadith of 'Abdullah ibn Buhainah who reported that once the Prophet stood during the noon prayer when he should have sat ( for the first tashahud). When he finished the prayer, he made two prostrations. He made a takbir for each prostration (and it was) while he was sitting before he made the tasleem. He made those two prostrations because he had forgotten to sit (for the first tashahud). (Related by "the group.")

In Subul as-Salaam, it is stated that this hadith proves that one who forgets the first tashah ud must make the prostrations of forgetfulness. The Prophet is, however, reported to have said, "Pray as you have seen me pray." This would point to the first tashahud being obligatory, and one would have to do some act to make up for it. But, this also proves that it is not obligatory, for if one misses an act that is obligatory, the two prostrations of foregetfulness are not sufficient to make up for it. That is what Ibn Hajr says in Fath al-Bari.

Says Ibn Batal, "The proof is that the two prostrations due to forgetfulness cannot replace something that is obligatory. If one forgets the opening takbir, they will not replace it. In the case of the tashahud, it is a remembrance that is not said aloud and it is not obligatory." Some say otherwise, because the Prophet used to perform it and, as such, he let others follow him in performing it after he found out that they were leaving it intentionally. But there is some doubt about this argument. Those who say that it is obligatory include al-Laith Ibn Sa'd, Ishaq, ash-Shaf'i and the Hanafiyyah. At-Tabari argues that it is obligatory because originally only two rak'ah and the tashahud were obligatory. When they were made longer, the original obligations were not done away with. Therefore, it is still obligatory.

It is preferred to make the first tashahud quickly

Reported Ibn Mas'ud, "When the Prophet sat after the first two rak'ah, it seemed as if he was (sitting)

on hot stones." This is related by Ahmad, Abu Dawud, an-Nasa'i, at-Tirmizhi and Ibn Majah. At-Tirmizhi grades it as hassan and says, 'Ubaidah (ibn 'Abdullah ibn Mas'ud) did not hear (hadith) from his father. He also says, "The scholars act according to this hadith. They prefer that one should not sit too long after the first two rak'ah, and that he should not add anything to the tashahud."

Says Ibn al-Qayyim, "It is not reported from the Prophet that he would say prayers upon himself or his family during the first tashahud. Nor would he seek refuge from the torment of the grave or the Hell-fire, or from the test of life, death and of the false Messiah. Those who say such supplications are deducing their arguments from the general application (of the supplications and the word tashahud), but the correct position is that their proper place is in the last tashahud.

## Fiqh 1.160: Sunnah acts of prayer, Prayers upon the Prophet, Upon Whom Be Peace

In the last tashahud, it is preferred for the person to say prayers upon the Prophet in one of the following manners:

1 Reported Mas'ud al-Badri, "Basheer ibn Sa'd said, 'O Messenger of Allah, we have been ordered to make prayers upon you. How are we to do it?' The Prophet was quiet and then said, 'Say, O Allah, shower blessings upon Muhammad and upon the family of Muhammad as you showered blessings upon the family of Abraham. And grant favors to Muhammad and to the family of Muhammad as you granted favors to the family of Abraham in this world. You are the Praiseworthy and Glorious.' And make the salutations as I have taught you." (Related by Muslim and Ahmad.)

2 Reported Ka'b ibn 'Ajazah, "We said, 'O Messenger of Allah, show us how we are to make salutations and prayers upon you.' He said, 'Say, O Allah, shower blessings upon Muhammad and upon the family of Muhammad as you have showered blessings upon the family of Abraham. You are the Praiseworthy, the Glorious. O Allah . grant favors to Muhammad and the family of Muhammad as you granted favors to the family of Abraham."

The salutations upon the Prophet, upon whom be peace, is a preferred act and is not obligatory. This contention is based on a hadith recorded by at-Tirmizhi (who said it is sahih), Ahmad and Abu Dawud from Fizhalah ibn 'Ubaid who said, "The Messenger of Allah heard a man supplicating in his prayer and he did not make the prayers on the Prophet. The Prophet said, 'He has hastened.'

Then he called him and said, 'When one of you prays, begin with the praise and lauding of Allah. Then make prayers upon the Prophet, and supplicate whatever you wish of Allah." The author of al-Muntaqi says, "This is a proof for those who say that the prayers upon the Prophet are not obligatory, because he did not order the one who did not do it to repeat his prayer. This is supported by his statement to Ibn Mas'ud, after mentioning (only) the tashahud, 'Then choose whatever you wish to ask (of Allah)." In his comments on this hadith, ash-Shaukani observes, "In my opinion, there is no confirmed proof that it is obligatory."

## Fiqh 1.161: Sunnah acts of prayer, Supplications After the Last Tashahud and Before the Tasleem

It is preferred for the person to supplicate after the final tashahud and before making the final salutations (that end the prayer). The person may ask for whatever he wishes of the good of this life and the hereafter. Ibn Mas'ud reported that the Prophet, upon whom be peace, taught him the tashahud and then said, "Then choose whatever you wish to ask (of Allah)." (Related by Muslim.)

Supplications are preferred acts in general, regardless of whether they are reported from the Prophet or not, although supplications authenticated by the sunnah are better. Some of these are:

1 Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "When one of you finishes the final tashahud, he should say, 'O Allah, I seek refuge in You from the torment of the Hell-fire and the grave, from the trials of life and death, and from the trials of the false Messiah." (Related

**by Muslim.)**

**2 'Aishah reported that the Messenger of Allah would supplicate in his prayer, "O Allah, I seek refuge in You from the torment of the grave, from the trials of the anti-Christ, and from the trials of life and death. Allah, I seek refuge in You from sin and debt." (Related by Muslim and al-Bukhari.)**

**3 'Ali reported that when the Prophet prayed, the last thing he would say between the tashahud and the tasleem was, "O Allah, forgive my past and later sins, what was in private and what was in public, and what I have been extravagant in. You are more knowledgeable of it than I. You are the Promoter and the Retarder. There is no god except You." (Related by Muslim.)**

**4 'Abdullah ibn 'Amr reported that Abu Bakr said to the Messenger of Allah, "Teach me a supplication that I may use in my prayers." He told him, "Say, O Allah, I have wronged my soul a great wrong and no one forgives sins except You, so forgive me with such forgiveness that only comes from You and have mercy on me. Verily, You are the Oft-Forgiving, the Oft-Mercful." (Related by al-Bukhari and Muslim.)**

**5 Hanzhalah ibn 'Ali said that Muhjan ibn al-Adra' related to him that the Prophet entered the mosque while a man was just about to finish his prayer. The latter made the tashahud and said, "O Allah, I am asking You, O Allah, the One, the Only, the Absolute, who begets nor is begotten, nor is anyone like Him, to forgive my sins, for You are the Forgiving, the Merciful." The Prophet then said three times, "He has been forgiven." (Related by Ahmad and Abu Dawud.)**

**6 Shaddad ibn Aus reported that during his prayer, the Prophet would say, "O Allah, I ask You to confirm me in the affairs, to keep me on the correct path, to make me thankful for your blessings and excellent in Your worship. O Allah, I ask You for a tranquil heart and truthful tongue. O Allah, I ask You for the good of what You know, and I seek refuge in You from the evil of which you are aware, and I ask Your forgiveness from what You know." (Related by an-Nasa'i.)**

**7 Said Abu Mijlaz, " 'Ammar ibn Yasar led us in the prayer and he made it very short. The people blamed him for that and he told them, 'Did I not complete my bowings and prostrations ... and did I not supplicate therein what the Prophet used to supplicate, saying, 'O Allah by Your knowledge of the unseen and Your power over the creation, let me live if You know that living is best for me, and let me die if You know that dying is better for me. I ask You (to forgive me) for fear of You in what is not seen and what is seen, to make my speech truthful while angry or pleased, and to have the same aim in poverty and riches. Grant me the pleasure of looking to Your face and of the longing to meet You. I seek refuge in You from a harmful loss and from the trials of a misguider. O Allah, embellish me with the beauty of faith, and make us of the guided of the guiders." This is related by Ahmad and an-Nasa'i with a good chain.**

**8 Abu Saleh related from one of the companions that the Prophet said to a man, "What do you say in your prayer?" He said, "I say the tashahud and then I say, 'O Allah, I ask of you Paradise and seek refuge in You from Hell-fire.' But I cannot murmer as good as you or Mu'azh (as eloquent as you are)." The Prophet said, "We ask concerning Paradise and the Hell-fire." (Related by Ahmad and Abu Dawud.)**

**9 Ibn Mas'ud reported that the Prophet taught him to say this supplication: "O Allah, bring our hearts together and make our relations good. Guide us to the paths of peace and bring us out of the darkness and into the light. Keep us away from lewdness, both hidden and open. O Allah, bless us in our hearing and our sight, in our hearts, our wives and our offspring. Turn unto us, for You are the Oft-Turning, the Oft-Merciful. Make us thankful for Your blessings and complete it upon us." (Related by Ahmad and Abu Dawud.)**

**10 Said Anas, "We were sitting with the Prophet and a man stood up and prayed. When he bowed and made the tashahud, he would supplicate, 'O Allah, I ask of You, for to You is the praise. There is no god except You, the Giver without question, the Creator of the heavens and the earth. O Sublime and Honorable One, O Living and Sustaining One, I ask of You.' The Prophet said to his companions, 'Do you know who he made his supplication with?' They said, 'Allah and His Messenger know best.' He said, 'By**

the One in whose hand is the soul of Muhammad, he supplicated Allah by His greatest name. If one supplicates by that name, it will be listened to. If he asks by it, it will be given." (Related by an-Nasa'i.)

11 'Umair ibn Sa'd said, "Ibn Mas'ud used to teach us the tashahud of the prayer and then he would say, 'When one of you finishes the tashahud, he should say: O Allah, I ask you for all good, that which I am aware of and that which I am not. I seek refuge in You from all evil, that which I am aware of and that which I am not. O Allah, I ask you for the good that your devoted servants asked for. I seek refuge in You from all evil, that which I am aware of and that which I am not. O Allah, I ask you for the good that your devoted servants asked for. I seek refuge in You from the evil that your devoted servants sought refuge for. Our Lord, give us the good of this life and the good of the Hereafter.' He said, 'No prophet or righteous person supplicated for anything except that it is contained therein." (Related by Ibn Abu Shaibah and Sa'eed ibn Mansur.)

## Fiqh 1.164: Sunnah acts of prayer, Words of Remembrance and Supplications After the Tasleem

It is sunnah for the person to use a number of words of remembrance and supplications which have been related from the Prophet. The many reports include the following:

1 Reported Thauban, "When the Prophet would finish his prayer, he would seek Allah's forgiveness three times and then say, 'O Allah, You are the peace, and from You is peace. You are filled with good, O Sublime and Honorable One." This is related by "the group," except for al-Bukhari. Muslim has the addition, "Waleed said, 'I asked al-Auza'i, 'How did he seek Allah's forgiveness?' He said, 'By saying, 'I seek Allah's forgiveness, I seek Allah's forgiveness, I seek Allah's forgiveness."

2 One day the Prophet took Mu'azh ibn Jabal's hand and said to him, "O Mu'azh, I love you." Mu'azh responded, "May my father and mother be sacrificed for you, O Messenger of Allah, I love you." Then the Prophet said, "I advise you, O Mu'azh, say at the end of every prayer, 'O Allah, aid me in Your remembrance, Your thanks, and in perfecting Your worship." This is related by Ahmad, Abu Dawud, an-Nasa'i, Ibn Khuzaimah, Ibn Hibban and al-Hakim, who said it is sahih according to al-Bukhari's and Muslim's criterion. Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said, "Do you strive your utmost in making a supplication? Then say, 'O Allah, aid us in making Your remembrance, in giving You thanks and in perfecting Your worship."

3 Reported 'Abdullah ibn Zubair, "When the Prophet made the tasleem at the end of the prayer, he would say, 'There is no god but Allah the One. There is no partner with Him, to Him belongs the sovereignty and to Him is the praise. He has power over all things.

There is no might or power save with Allah. We do not worship any but Him. To Him belongs the fortune, the grace and the best praise. There is no god except Allah, and religion is sincerely for Him even if the disbelievers abhor it." (Related by Ahmad, al-Bukhari and Muslim. )

4 Al-Mughirah ibn Shu'bah reported that the Prophet would say at the end of every obligatory prayer, "There is no god except Allah, the One. There is no partner with Him. To Him is the dominion and the praise. He has power over all things. O Allah, none can withhold what You have conferred, nor can one confer what You have withheld. A fortune does not benefit its owner against You." (Related by Ahmad, al-Bukhari and Muslim.)

5 Abu Umamah reported that the Prophet said, "For whoever recites the verse of the throne al-Baqarah:244 at the end of every prayer, nothing will prevent him from entering Paradise except that (he must) die (first)." (Related by an-Nasa'i and at-Tabarani.)

'Ali reported that the Prophet, upon whom be peace, said, "Whoever recites the verse of the throne at the end (after) of every obligatory prayer will be in Allah's protection until the next prayer." This is related by at-Tabarani with a hassan chain.

6 Abu Hurairah related that the Prophet said, "Whoever glorifies Allah after every prayer thirty-three times, and praises Allah thirty-three times and extols Allah's greatness thirty-three times and then says, 'There is no god except Allah, the One. There is no partner with Him. His is the dominion and His is the praise, and He has power over all things,' is forgiven, even if his sins are as abundant as the foam of the sea." (Related by Ahmad, al-Bukhari, Muslim and Abu Dawud.)

7 Ka'b ibn 'Ajrah related that the Prophet said, "There are certain statements which, if one were to utter or observe them at the end of every obligatory prayer, one would not be dismayed. (They are) glorifying Allah thirty-three times, praising Allah thirty-three times and extolling His greatness thirty-four times." (Related by Muslim. )

8 Sumayy reported from Abu Saleh on the authority of Abu Hurairah that the poor emigrants went to the Messenger of Allah, upon whom be peace, and said, "The wealthy have gotten the high ranks and everlasting bounties." The Prophet said, "Why is that?" They said, "They pray as we pray and they fast as we fast. (But) they give in charity and we do not give in charity. They free the slaves and we do not free the slaves." The Messenger of Allah told them, "Shall I teach you something by which you may overtake those who surpass you, by which you will surpass those who will come after you, and none will then be better than you except if he does what you do?" They said, "Certainly, O Messenger of Allah." He told them, "Glorify Allah thirty-three times, praise Him thirty three times, and extol His greatness thirty-four times." So I returned to Abu Saleh and told him what they had said. He took my hand and said, "Allahu akbar, subhaan Allah, al-hamdu lillah, Allahu akbar, subhaan Allah, al-hamdu lillah..." until all of them reached thirty-three." (Related by al-Bukhari and Muslim.)

9 The Prophet would say each of the following twenty-five times: Subhaan Allah, al-hamdu lillah, Allahu akbar and La ilaha illa Allah, wa ashadu anna la shareeka lahu. Lahu al-mulk wa lahu al-hamd wa huwa 'ala kulli shaian qadeer (There is no god except Allah, the One. He has no partner. His is the dominion, His is the praise, and He has power over all things.)

10 'Abdullah ibn 'Amr reported that the Prophet, upon whom be peace, said, "There are two characteristics which, if one observes them, will cause him to enter Paradise. They are very easy actions, but very few perform them." The people said, "What are they, O Messenger of Allah?" He said, "To praise Allah, extol His greatness and glorify Him at the end of every obligatory prayer ten times each. When one goes to bed, he should glorify Allah, praise Him and extol His greatness one hundred times each. Those are, in total, only 250 actions of the tongue, yet they are equal to 2500 on the scale. Does any of you commit 2500 sins during one day and night?" They asked, "How come those easy actions are performed by so few?" He said, "Satan comes to one during his prayer and reminds him of such and such need, and he fails to say the (above). He comes to him in his bed and makes him sleep so that he can not say them." 'Abdullah said, "I have seen the Messenger of Allah counting them on his fingers.'' This is related by Abu Dawud and at-Tirmizhi, who called it hassan sahih.)

11 It is related from 'Ali that he and Fatimah were seeking a servant to make their work easier. The Prophet refused and said to her, "Shall I tell you of something better than what you have asked for?" They said, "Certainly." He said, "These are words that were taught to me by Gabriel, peace be upon him. Glorify Allah at the end of every prayer ten times, praise Him ten times and extol His greatness ten times. When you go to bed, glorify Allah thirty-three times, praise Him thirty-three times and extol His greatness thirty-four times." Said 'Ali, "By Allah, I never neglected to do what the Messenger of Allah taught us."

12 'Abdurahman ibn Ghanim reported that the Messenger of Allah said, "Whoever says, 'There is no god but Allah, the One. There is no partner with Him. His is the dominon and His is the praise. In his hand is all the good. He gives life and death, and He has power over all things,' ten times after the sunrise and dawn prayer, before turning away and lifting his leg, will have written for him for each repetition ten good deeds, and will have erased for him ten evil deeds. He will also be raised ten degress, will be protected from every plot, and he will be protected from the outcast Satan. No sin will lead to his destruction except idolatry, and he will be the person with the best deeds, surpassed only by the one who does more and says more than what he has said." This is related by Ahmad and at-Tirmizhi, but without "In His hand is all the good."

**13 Muslim ibn al-Harith reported that his father said, "The Messenger of Allah said to me, 'When you pray the morning prayer, before you talk to anyone say, 'O Allah, I seek your protection from the Hell-fire' seven times. If you should die on that day, Allah will record for you protection from the Hell-fire. When you pray the sunset prayer, say before you speak to anyone, 'O Allah, I ask Paradise of You. O Allah, I seek Your protection from the Hell-fire' seven times. If you die during that night, Allah will record for you protection from the Hell-fire." (Related by Ahmad and Abu Dawud.)**

**14 Al-Bukhari and at-Tirmizhi related that Sa'd ibn Abu Waqqas used to teach the following words to his children, "The Messenger of Allah would seek refuge at the end of every prayer (by saying), 'O Allah, I seek refuge in you from cowardice. I seek refuge in You from miserliness, I seek refuge in You from senility, and I seek refuge in You from the trials of this world, and I seek refuge in You from the torment of the grave."**

**15 Abu Hatim related that the Prophet would say, upon finishing his prayers, "O Allah, make my religion, which encompasses all of my affairs, good. O Allah, make this world of mine in which I live good. O Allah, I seek refuge in Your pleasure from Your anger. I seek refuge in Your pardoning from your vengeance. I seek refuge in You from You. None can withhold what You have conferred, no one can confer what You have withheld. No possesser of fortune can benefit from his fortune against you."**

**16 Abu Dawud and al-Hakim recorded that at the end of every prayer the Prophet would say, "O Allah, give me well-being in my body. O Allah, give me well-being in my hearing. O Allah, give me well-being in my seeing. O Allah, I seek refuge in You from disbelief and poverty. O Allah, I seek refuge in You from the torment of the grave. There is no god but You."**

**17 Ahmad, Abu Dawud and an-Nasa'i recorded, with a chain containing Dawud at-Tafawi who is a weak narrator, from Zaid ibn Arqam that the Prophet would say at the end of his prayers, "O Allah, our Lord, Lord of everything. I bear witness that You are the Lord, You are One, You have no partner. O Allah, Our Lord, Lord of everything. I bear witness that Muhammad is Your servant and Messenger. O Allah, our Lord, the Lord of everything. I bear witness that all of your worshippers are brethren. O Allah, our Lord, Lord of everything. Make me and my family sincere to you during every moment of this life and the Hereafter. O Sublime and Honorable One, listen and respond. Allah is the greatest of the greatest, the light of the heavens and the earth. Allah is the greatest of the greatest, Allah is sufficient for me and He is the most blessed guardian. Allah is the greatest of the greatest."**

**18 Ahmad, Ibn Shaibah and Ibn Majah recorded, with a chain that contains an unknown narrator, from Umm Salamah, that the Prophet would say after the tasleem of the morning prayer, "O Allah, I ask of You beneficial knowledge, sufficient provisions, and acceptable deeds."**

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Volume 2

## Fiqh 2.1: Their Significance, Supererogatory Prayers

At-tatawwu', or nawafil or supererogatory prayers, have been legislated to make up for any deficiencies left in the performance of fard salah (obligatory prayers). In salah, there are virtues that are not found in any other form of worship. Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "The first thing that the people will be called to account for on the Day of Resurrection will be the prayers. Our Lord will say to the angels although He knows better: 'Look into the salah of my servant to see if he observed it perfectly or been negligent in it. So if he observed it perfectly it will be recorded to his credit, but if he had been negligent in it in any way, Allah would say: See if My servant has any supererogatory prayers. Then if he has any supererogatory prayers, Allah would say: Make up the deficiency in My servant's obligatory prayer with his supererogatory prayers.' Thereafter all his actions will be examined in like manner" (Abu Dawud).

Abu Umamah narrates that the Prophet sallallahu alehi wasallam said: "Allah does not listen to anything from His slave as He does to the two rak'at (of prayer) that he offers. Mercy descends over the servant's head as long as he remains in prayer" (Ahmad and at-Tirmizhi). As-Sayuti grades it sahih. In al-Muwatta', Malik says: "It has reached me that the Prophet said: '(Try to) keep to the straight path although you won't be able to do so completely; and know that the best of your deeds is the salah, and only a (true) believer preserves his wudu.'" Muslim records from Rabi'ah ibn Malik al-Aslami that the Prophet sallallahu alehi wasallam said: "Ask (anything)." Rabi'ah said: "I ask of you to be your companion in paradise." The Prophet said: "Or anything else?" Rabi'ah said: "That is it." The Prophet sallallahu alehi wasallam said to him: "Then help me by making many prostrations (i.e., supererogatory prayers)."

## Fiqh 2.2: Offering Supererogatory Prayers in One's House

Ahmad and Muslim relate from Jabir that the Messenger of Allah said: "If one of you offers his prayers in the Mosque then he should make a portion of his prayers in his house, as Allah has made his prayers in his house a means of betterment (for him)."

Ahmad records from 'Umar that the Messenger of Allah said: "The nawafil salah of a man in his house are a light; whoever wishes should lighten up his house."

'Abdullah ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "Make some of your prayers in your houses and do not turn your houses into graves." This statement is related by Ahmad and Abu Dawud. Abu Dawud records from Zaid ibn Thabit on sound authority that the Messenger of Allah said: "A person's salah in his house is better than his salah in my mosque, except for the fard salah."

These hadith prove that it is preferred to say one's nawafil prayers in one' s house since prayers in one ' s house are better than those that he performs in the mosque. An-Nawawi says: "The Prophet sallallahu alehi wasallam encouraged one to offer nawafl in one's house because then the prayers are more private and will have less of a chance of being done for show and will be free from defects that vitiate good deeds. Furthermore, this will be a blessing for the house as mercy and angels will descend on it while Satan flees from it."

## Fiqh 2.2 a: Supererogatory prayers, their Elongation

It is preferred to prolong the reciting by making many rak'at. The group, except for Abu Dawud, reports that al-Mughirah ibn Shu'bah said: "The Prophet sallallahu alehi wasallam would stand and pray until his feet or shanks swelled. When he was asked about it, he said: 'Should I not be a thankful slave?"' Abu Dawud records from 'Abdullah ibn Hubshi al-Khath'ami that the Prophet sallallahu alehi wasallam was asked: "What is the best deed?" He said: "Prolonging the qiyam; (standing) [in the prayer]." Then it was asked: "What is the best charity?" He replied: "The sacrifice made by one who has little to give."

Then it was asked: "What is the best migration?" He responded: "The migration from what Allah has forbidden." Then it was asked: "What is the best jihad?" He replied: "Whoever strives against the polytheists with his wealth and soul." They asked: "What is the most honorable death?" He answered: "He whose blood is spilled and whose horse is wounded."

## Fiqh 2.3: It is allowed to make supererogatory prayers while in julus (sitting)

It is acceptable for one to make nawafil while sitting even though he has the ability to stand. It is also acceptable for one to make part of such prayers sitting and part of them standing even if all of that is in one rak'ah, (i.e., one sits for part of the first rak'ah and then stands for the rest of it, or vice versa). All of that is acceptable without any dislike for it. One may sit in any manner one likes although it is preferable to sit cross-legged. Muslim records that 'Alqamah asked 'Aishah: "How did the Prophet perform two rak'at while sitting?" She replied: "He would recite while sitting and then when he wished to make ruku', he would stand and bow." Ahmad, Abu Dawud, at-Tirmizhi, an-Nasa'i, and Ibn Majah record that she said: "I never saw the Messenger of Allah ever sitting while reciting during the night prayer until he became old, then he would sit until when about thirty or forty verses were left of his recital then he would stand, finish the recital and make ruku'..."

## Fiqh 2.3 a: Different Types of Nawafil

Nawafil may be divided into two types: general and specific prayers. The nawafil are said to be those prayers which are in addition to the fard salah, as prayed by the Prophet sallallahu alehi wasallam.

An-Nawawi says: "If one decides to make nawafil prayers and he does not make any intention concerning the number [of rak'at] he shall make, then he may end the prayer after one rak'ah or make it two rak'at or increase it to three or one hundred or one thousand, and so forth. If he prays a number of [rak'at], without knowing how many, and then ends the prayer his salah will still be valid." There is no difference of opinion on this. The Shaf'iyyah are in agreement with it and there is a text attributed to ash-Shaf'i on this point.

Al-Baihaqi records with a chain of narrators, that Abu Zharr prayed many rak'at and then concluded his salah. Al-Ahnaf ibn Qais asked him: "Do you know if you finished on an odd or an even number?" He replied: "Even if I do not know, Allah knows. I heard my friend Abu al-Qasim say: 'No slave makes a sajdah to Allah without Allah raising him a degree and wiping out one of his sins due to it."' This is related by ad-Darimi in his Musnad with a sahih chain, but it should be noted that there is a difference of opinion over the integrity of one of its narrators.

The specific nawafil prayers are referred to as al-sunan ar-ratibah, or the sunnah prayers that have a specific order, number, and so on. These include the sunnah prayers of fajr, zuhr, 'asr, maghrib, and 'isha.

## Fiqh 2.4: The Two rak'at of Fajr

There are a number of hadith that state the virtues of observing the sunnah prayer at dawn time. For example: 'Aishah relates that the Prophet sallallahu alehi wasallam said about the two rak'at before the fajr "They are dearer to me than the whole world." This is related by Ahmad, Muslim, and at-Tirmizhi. Abu Hurairah reports that the Prophet said: "Do not leave the two rak'at of the fajr, even if you are being attacked by a cavalry." This is confirmed by Ahmad, Abu Dawud, al-Baihaqi, and at-Tahawi. The message of the hadith is that one should not leave the two rak'at of the fajr no matter what the excuse, even while under enemy attack or under most trying conditions. 'Aishah says: "The Messenger of Allah was not so particular about observing any supererogatory prayer as he was in observing the two rak'at before salatul fajr." This is related by al-Bukhari, Muslim, Ahmad, and Abu Dawud. She also reports that the Prophet said: "The two rak'at of the fajr are better than this world and all it contains." This is reported by Ahmad, Muslim, at-Tirmizhi, and an-Nasa'i. Ahmad and Muslim also record that she said: "I have never seen him [the Prophet] more in haste to do a good deed than he was to perform the two rak'at before the morning [prayer]."

### Fiqh 2.4 a: To Make Them Quickly

It is well-known that the Prophet would make a very short recital in the two rak'at before the dawn. Hafsah reports: "The Prophet would pray the two rak'at of fajr before the dawn in my house and he would make it very quick." Naf'i states: "Abdullah [Ibn 'Umar] would also make it very quickly." This is related by Ahmad, al-Bukhari, and Muslim. 'Aishah narrates: "The Prophet would pray the two rak'at before the dawn prayer in my house so quickly that I wondered if he had recited the Fatihah in them or not." This is related by Ahmad and others. She also said: "When the Prophet prayed the two rak'at before the dawn prayer I estimated the time that he took in recital was like what it takes to recite al-Fatihah. This is related by Ahmad, an-Nasa'i, al-Baihaqi, Malik, and at-Tahawi. It is preferred to recite what has been related from the Prophet sallallahu alehi wasallam: 'Aishah reports that the Prophet would silently recite the following in the two rak'at before salatul fajr

"Say: O disbelievers," and "Say: He is Allah, the One."

This is related by Ahmad and at-Tahawi. He would recite them after al-Fatihah as there is no prayer without the recital of al-Fatihah, as we have already discussed. She also reports that the Prophet said: "These are the two most blessed surahs," and he would recite them in the two rak'at before salatul fajr. This is related by Ahmad and Ibn Majah. Jabir relates that a man stood to pray the two rak'at before the dawn prayer and recited "Say: O disbelievers!" in the first rak'ah until he finished the surah. The Prophet said: "That slave knows his Lord." In the second rak'ah he recited: "Say: He is Allah, the One"...to the end of the surah. The Prophet said: "That slave (of Allah) believes in his Lord." Talhah said: "I love to recite these two surahs in these two rak'at." This is related by Ibn Hayyan and at-Tabarani. Ibn 'Abbas reports that the Prophet sallallahu alehi wasallam would recite the following in the two rak'at before the dawn prayer: "Say: We believe in Allah and what has been revealed to us,"' and from surah al-Imran, 'Come to common terms as between us and you.' This is related by Muslim.

### Fiqh 2.5: First rak'ah of fajr

In the first rak'ah, after al-Fatiha, he would recite the verse: "Say: We believe in Allah, and the revealation given to us and what was revealed to Abraham, Ismail, Isaac, Jacob and the tribes, and [in what] was given to Moses and Jesus, and what was given to the Prophets, from their Lord and we do not differentiate between any of them. And we are Muslims."

### Fiqh 2.5 a: Second rak'ah of fajr

In the second rak'ah he would recite: "Say: O People of the Book, come to a statement that is common between us and you; that we shall not worship any save Allah and we shall not associate any partners with Him and we shall not take others as Lords besides Allah. And if they turn away then say: Bear witness that we are they who have surrendered unto Him."

He also reports, in a version recorded by Abu Dawud, that in the first rak'ah the Prophet sallallahu alehi wasallam would recite: "Say: We believe in Allah..."

In the second rak'ah he would recite: "But when Jesus became conscious of their disbelief, he cried: 'Who will be my helpers in the cause of Allah?' The disciples said: 'We will be Allah's helpers. . . ' "

From the report of 'Aishah, mentioned earlier, it is concluded that it is permissible just to recite al-Fatihah in each rak'ah.

### Fiqh 2.6: Supplication after finishing the two sunnah rak'at before the fajr prayer

An-Nawawi says in al-Azhkar. "It is related in the book of Ibn as-Sanni from Abu al-Malih (whose name was 'Aamr ibn Usamah) on the authority of his father that his father had prayed the two rak'at of the dawn [before salatul fajr] and the Prophet sallallahu alehi wasallam was praying the two rak'at close to him, and he heard the Prophet say, while sitting:

'O Allah, Lord of Jibrail, Israfeel, Mikail, and Muhammad, the Prophet, I seek refuge in Thee from the Fire,'"...three times.

He also records from Anas that the Prophet said: "Whoever says, on Friday morning before the salatul fajr,

'I seek the forgiveness of Allah, there is no other god except Him, the Living, the Sustaining, and I repent unto him,' three times, Allah will forgive his sins even if they were as abundant as the foam on the sea."

### Fiqh 2.6 a: Lying down after the two sunnah rak'at of fajr

'Aishah says: "After the Prophet had prayed the two [sunnah] rak'at of the fajr, he would lie down on his right side." This is related by the group. They also record that she reported: "After the Messenger of Allah had prayed the two [sunnah] rak'at of the fajr, he would lie down if I was asleep or would talk to me if I was awake."

There is quite a difference of opinion over this point. Apparently, it is preferred for one to do so if one prays these sunnah rak'at in one's house and not in the mosque. Ibn Hajar says in Fath al-Bari: "Some of the early scholars were of the opinion that it is preferred to do so if one prays in one's house rather than in the mosque." This has been recorded from Ibn 'Umar. Some of our scholars reinforce this argument by stating that there is no evidence that the Prophet ever did so in the mosque. It has also been authentically recorded from Ibn 'Umar that "he would throw pebbles at anyone who did so in the mosque," and this was related by Ibn Abi Shaibah. Imam Ahmad was asked about it and he said: "I do not do it but if a person does it, it is good."

### Fiqh 2.7: Belated performance of sunnah rak'at of fajr

Abu Hurairah reports that the Prophet said: "Whoever fails to pray the two [sunnah] rak'at of the fajr until the sun rises, [he should then] pray them." This is related by al-Baihaqi. About its chain an-Nawawi says it is good.

Qais ibn 'Umar relates that he went to the dawn prayer and found the Prophet praying fajr. Although Qais had not prayed the sunnah prayer, he joined the Prophet sallallahu alehi wasallam and prayed with him. When he had finished salatul fajr, he prayed the two rak'at (sunnah) prayer. The Messenger of Allah passed by him and inquired: "What is this prayer?" Qais then informed him of all that had happened. The Prophet kept silent and did not say anything. This is related by Ahmad, Ibn Khuzaimah, Ibn Hibban, at-Tirmizhi, Abu Dawud, and Ibn Majah. Al-'Iraqi says its chain is hasan.

Ahmad, al-Bukhari, and Muslim relate from 'Imran ibn Hussain that, during a journey, the Prophet slept past the time of salatul fajr and when he woke he waited for the sun to rise a little and then he ordered the mu'zhzhin to make the azhan. Then, the Prophet prayed the fajr sunnah, after which he ordered the iqamah to be made and prayed salatul fajr. It is apparent from this hadith that one is to make up the sunnah prayer before or after the sun rises, regardless of whether only sunnah prayer is missed or both sunnah and fard are missed, and whether there is a valid excuse or not. It may be made up by itself or with the obligatory dawn prayer.

### Fiqh 2.7 a: The Sunnah Prayer Of Zuhr

It has been related that the sunnah rak'at at zuhr are four, six, or eight.

### Fiqh 2.7 b: Reports concerning four rak'at

Ibn 'Umar said: "We observed and preserved from the Prophet ten rak'at [of sunnah prayers]: two before zuhr and two after it, two after maghrib in his house, two after 'isha in his house and two rak'at

before the fajr." This is related by al-Bukhari.

Al-Mughirah ibn Sulaiman reports that he heard Ibn 'Umar say: "The Prophet never left the two rak'at before zuhr and two rak'at after it, two rak'at after maghrib, two rak'a~ after 'isha and two rak'at before fajr." This is related by Ahmad with a good chain.

### Fiqh 2.8: Reports concerning six rak'at

'Abdullah ibn Shaqiq said: "I asked 'Aishah about the prayer of the Prophet and she said: 'He would pray four rak'at before zuhr and two after it."' This is related by Ahmad, Muslim, and others.

Umm Habibah bint Abu Sufyan reports that the Messenger of Allah said: "Whoever prays twelve rak'at during the day and night will have a house built for him in paradise: four rak'at before zuhr and two after it, two rak'at after maghrib, two rak'at after 'isha, and two rak'at before fajr." This is related by at-Tirmizhi who called it hasan sahih. Muslim reports it briefly.

### Fiqh 2.8 a: Reports concerning eight rak'at

Umm Habibah reports that the Prophet said: "Whoever prays four rak'at before zuhr and four after it, Allah will forbid that his flesh be in the fire." This is related by Ahmad, Abu Dawud, an-Nasa'i, Ibn Majah, and at-Tirmizhi who calls it sahih.

It is related that Abu Ayyub al-Ansari would pray four rak'at before zuhr. The people said to him: "You made that prayer continue too long!" He said: "I saw the Messenger of Allah doing so. I asked him about it and he said: 'It is a time in which the doors of the heavens are opened and I wish that my good deeds be raised (to heaven) during it.'" This is related by Ahmad with a good chain.

### Fiqh 2.8 b: The merits of four rak'at before zuhr

'Aishah said: "The Prophet never left praying four rak'at before zuhr and two rak'at before fajr under any circumstances." This is related by Ahmad and al-Bukhari. It is also related from her that during those four rak'at, he would prolong the qiyam [the portion in which one recites the Qur'an] and perfect the ruku' and sujud therein.

There is no contradiction between the hadith of Ibn 'Umar, which states that the Prophet prayed two rak'at before zuhr, and other hadith which state that the Prophet prayed four rak'at before zuhr. Ibn Hajar writes in Fath al-Bari: "It is better to take them as describing different circumstances, sometimes he prayed two rak'at and sometimes he prayed four rak'at. Some say that it may be construed that if he prayed them in the mos que , he prayed only two rak'at, and when he prayed in his house, he prayed four rak'at. On the other hand, it could imply that he prayed two rak'at in his house and then went to the mosque and prayed two rak'at there also. Ibn 'Umar only saw what he prayed in the mosque and not what he prayed in his house, while 'Aishah was aware of both of them. The first interpretation is strengthened by what Ahmad and Abu Dawud recorded from 'Aishah, namely, that the Prophet prayed four rak'at in his house before zuhr and then he went to the mosque."

Abu Ja'far at-Tabari says: "Most of the time he prayed four rak'at and occasionally he prayed two rak'at."

If one prays four rak'at before or after the noon prayers, it is preferred to pray them in two sets consisting of two rak'at each, although it is permissible to make them together with only one taslim at the end of the four rak'at, as the Prophet sallallahu alehi wasallam said: "The prayers of the night and day are (sets of) two [rak'at]." This was related by Abu Dawud with a sahih chain.

### Fiqh 2.9: Making up the missed sunnah of zuhr

'Aishah reports that if the Prophet missed the four rak'at before zuhr, he would pray them afterward. This is related by at-Tirmizhi who calls it hasan ghareeb. Ibn Majah records that she said: "If the Prophet missed the four rak'at before zuhr, he would pray them following the two rak'at after zuhr."

The preceding is concerned with making up the sunnah prayers that one is to pray before zuhr. Concerning making up the two rak'at after zuhr, we have the following reports as recorded by Ahmad.

Umm Salamah says: "The Prophet prayed zuhr and then he received some wealth and he sat to distribute it [and continued to do so] until the mu'azhzhin made the azhan for 'asr. He prayed 'asr and came to me, as it was my day, and he prayed two quick rak'at. I said: 'What are those two rak'at, O Messenger of Allah? Have you been ordered to perform them?' He said: 'No, they are the two rak'at that I perform after zuhr but I was busy distributing this wealth until the azhan was made for 'asr and I hated to miss them.'" This is related by al-Bukhari, Muslim, and by Abu Dawud in somewhat different wording.

### Fiqh 2.9 a: The sunnah of maghrib

It is sunnah to pray two rak'at after maghrib. Earlier we mentioned that Ibn 'Umar narrated that the Prophet would not miss them. As to their content, it is preferred to recite, after al-Fatihah: "Say: O Disbelievers," and "Say: He is Allah, the One," in the sunnah prayer after salatul maghrib.

Ibn Mas'ud says: "I cannot count how many times I heard the Messenger of Allah recite, in the two rak'at after maghrib and in the two rak'at before fajr 'Say: O disbelievers,' and 'Say: He is Allah, the One.'" This is related by Ibn Majah and at-Tirmizhi. The later grades it hasan.

It is preferred to pray this sunnah prayer in one's house. Mahmud ibn Labid reports that the Prophet sallallahu alehi wasallam prayed maghrib with the tribe of 'Abd al-Ashhal. After he made the taslim, he told them: "Perform these two rak'at in your houses." This is related by Ahmad, Abu Dawud, at-Tirmizhi, and an-Nasa'i. We have already mentioned that the Prophet prayed them in his house.

### Fiqh 2.10: The sunnah of 'Isha

We have already mentioned the hadith which record that the Prophet sallallahu alehi wasallam prayed two rak'at after 'isha.

### Fiqh 2.10 a: NONSTRESSED SUNNAH PRAYERS (AS-SUNAN GHAIR AL-MU'AKKADAH)

We have been discussing the sunnah prayers which were stressed by the Prophet and which he was careful not to miss. There are some other sunnah prayers (al-sunan ar-ratibah) which are commendable, but are not "stressed."

### Fiqh 2.10 b: Two or four rak'at before 'asr

Many ahadith have been related about this sunnah prayer and they all support each other.

Such hadith include the following:

Ibn 'Umar reports that the Prophet said: "May Allah have mercy on a person who prays four rak'at before 'asr prayer." This was related by Ahmad, Abu Dawud, at-Tirmizhi (who calls it hasan), Ibn Hibban, and Ibn Khuzaimah. The latter two hold it as sahih. 'Ali reports that the Prophet sallallahu alehi wasallam prayed four rak'at before 'asr while separating every two sets of rak'at with salutations to the angels close to Allah, to the prophets, and to those who followed them - the believers and Muslims. This is related by Ahmad, an-Nasa'i, Ibn Majah, and atTirmizhi who grades it hasan.

As for praying only two rak'af at this time, this would fall under the generality of the Prophet's

statement: "Between every azhan and iqamah there is a prayer."

### Fiqh 2.10 c: Two rak'at before maghrib

Al-Bukhari records, from 'Abdullah ibn Mughaffal, that the Prophet said: "Pray before maghrib, pray before maghrib," and after saying it a third time, he said: "For whoever wishes to do so," not wanting the people to take it as a sunnah. Ibn Hibban records that the Prophet prayed two rak'at before maghrib prayer.

Muslim records that Ibn 'Abbas said: "We would pray two rak'at before maghrib, and the Prophet would see us but he would not order us to do so, nor would he prohibit us."

Ibn Hajar says in Fath al-Bari: "All of the evidence points to the fact that it is preferred to say these two rak'at quickly like the two rak'at before the salatul fajr."

### Fiqh 2.11: Two rak'at before salatul 'isha

'Abdullah Ibn Mughaffal reports that the Prophet said: "Between every azhan and iqamah there is a prayer. Between every azhan and iqamah there is a prayer." And, after saying it a third time, he said: "For whoever wishes [to pray it]." This is related by the group. Ibn Hibban records from Ibn az-Zubair that the Prophet said: "There exists no obligatory prayer without there being, immediately preceding it, two rak'at."

### Fiqh 2.11 a: Separating The Obligatory Prayer From The Supererogatory

It is preferred to make a separation between the fard and nawafil prayers after one finishes the fard prayer.

One of the companions of the Prophet sallallahu alehi wasallam reports that the Prophet prayed the afternoon prayer and right afterward a man stood up to pray. 'Umar saw him and told him: "Sit, the People of the Book were destroyed because they did not differentiate between their prayers." The Prophet said: "Well said, Ibn al-Khattab [i.e., 'Umar]." This is related by Ahmad with a sahih chain.

### Fiqh 2.11 b: The Witr Prayer

Its excellence and justification: The witr prayer is one that the Prophet sallallahu alehi wasallam practiced and which he encouraged others to practice. As such, praying witr comes under as-sunnah al-mu'akkadah.

'Ali says: "The witr prayer is not required like your obligatory prayers, but the Prophet would perform the witr prayer and say: 'O you people [followers] of the Qur'an, perform the witr prayer, for Allah is one and He loves the witr.'" This is related by Ahmad, an-Nasa'i, Abu Dawud, Ibn Majah, at-Tirmizhi who calls it hasan, and al-Hakim who grades it sahih.

The opinion of Abu Hanifah that the witr prayer is obligatory is a weak opinion. Ibn al-Munzhir says: "I don't know anyone who agrees with Abu Hanifah on this point."

Ahmad, Abu Dawud, An-Nasa'i, and Ibn Majah record that Al-Mukhdaji [a person of the Kinana tribe] heard from one of the Ansar, nicknamed Abu Muhammad, that the witr prayer is obligatory. He went to 'Ibadah ibn as-Samit and mentioned to him what Abu Muhammad had said. 'Ibadah observed: "Abu Muhammad is mistaken for I heard the Messenger of Allah say: 'Five prayers are ordained by Allah for his slaves. Whoever fulfills them properly without any shortcoming, he will have a pact with Allah that He will admit him into paradise. Whoever does not do them, he will have no pact with Allah, and if He wills He may punish him and if He wills He may forgive him.'"

Also al-Bukhari and Muslim record from Talhah ibn 'Ubaidullah that the Prophet said: "Five prayers during the day and night have been prescribed by Allah." Hearing this a bedouin asked the Prophet: "Is there anything else upon me [in the way of prayer]?" The Prophet said: "No, unless you want to do more voluntarily."

## Fiqh 2.12: Time for witr prayer

All the scholars agree that the time for the witr prayer does not begin until after salatul 'isha and it continues until the time of salatul fajr.

Abu Tamim al-Jishani relates that 'Amr ibn al-'Aas was addressing the people during a Friday Khutbah and he said: "Abu Basra related to me that the Prophet said: 'Verily, Allah has added a prayer for you, and it is the witr prayer. Pray it between salatul 'isha and salatul fajr.'" Abu Tamim said: "Abu Zharr took me by my hand and we went in the mosque to Abu Basra and [Abu Zharr] said: 'Did you hear what 'Amr just said from the Messenger of Allah?' He answered: 'I heard it from the Messenger of Allah!"' This is related by Ahmad with a sahih chain.

Abu Mas'ud al-Ansari relates: "The Prophet sallellahu alehi wasallam would make the witr prayer in the first part of the night or the middle of it or the latter part of it." Ahmad has reported it with a sound chain.

'Abdullah ibn Abi Qais relates that he asked 'Aishah about the witr prayer of the Prophet sallallahu alehi wasallam and she said: "Sometimes he would make the witr prayer in the first part of the night and sometimes he would make the witr prayer in the latter portion of the night." Then 'Abdullah asked: "How was his recitation, audible or inaudible?" She replied: "He did both. Sometimes he would be inaudible and sometimes audible. Sometimes he would make ghusl and sleep and sometimes he would make ablution and sleep [i.e., when he was sexually defiled]." This is related by Abu Dawud, Ahmad, Muslim, and at-Tirmizhi. It is preferred to pray it early if one suspects that one will not wake during the latter portion of the night. It is, on the other hand, advisable to delay it if one believes that one will be able to wake up during the latter portion of the night.

If one suspects that one will not be able to perform the prayer in the latter portion of the night, it should be prayed during the early portion of the night (before sleeping).

Jabir reports that the Messenger of Allah said: "Whoever of you fears that he will not be able to wake during the latter portion [of the night], he should make the witr prayer during the early part [of the night]. And whoever of you believes that he will be able to wake during the latter portion of the night, he should make the witr prayer during that latter portion as it is the blessed time [the angels are attentive to the prayers in the last portion of the night]." This is related by Ahmad, Muslim, atTirmizhi, and Ibn Majah.

Jabir also narrates that the Messenger of Allah inquired of Abu Bakr: "When do you perform the witr prayer?" Abu Bakr replied: "In the early portion of the night after the night prayer" Then the Prophet said: "And you, O 'Umar?" He answered: "During the latter portion of the night." The Prophet said: "As for you, O Abu Bakr, you have taken the careful way. As for you, 'Umar, you have taken the way of hardship and firm will." This is related by Ahmad, Abu Dawud and al-Hakim who says it is sahih according to Muslim's criterion. However, the Prophet sallallahu alehi wasallam would pray the witr prayer near dawn time for it is the most blessed time, as mentioned previously.

'Aisha reports: "Out of the entire night, the Messenger of Allah would sometimes perform the witr prayer during the early portion; sometimes he would perform it during the middle portion; and sometimes in the latter portion of the night, just before dawn." This is related by the group.

Nevertheless, considering the possibility of losing witr, the Prophet advised some of his companions not to sleep until they had performed the witr prayer in order to be on the safe side.

Sa'd ibn Abi Waqqas would pray salatul 'isha in the Prophet's mosque and then would pray one rak'ah of witr without making any addition to it. The people said to him: "Abu Ishaq, do you make the witr with just one rak'ah without adding any (other rak'ah) to it?" He said: "Yes, for I heard the Messenger of Allah say: 'The one who does not sleep until he makes the witr prayer is prudent.'" This was related by Ahmad and its narrators are trustworthy.

## Fiqh 2.13: Nature and number of rak'at for witr

It is permissible to perform the witr by praying two rak'at [and concluding them] and then praying one rak'ah with a tashahud and taslim. Likewise, it is allowed to pray all the rak'at with two tashahuds and one taslim. One may pray a number of rak'at, one after another, without making any tashahud, save in the one before the last rak'ah in which case one makes the tashahud and then stands to perform the last rak'ah wherein one will make another tashahud and end the prayer with the taslim. One may also make only one tashahud and the taslim, in the last rak'ah of witr. All of that is permissible and can be traced to the Prophet.

Talking about the thirteen rak'at in witr, at-Tirmizhi says: "It has been related from the Prophet that he would perform the witr prayer with thirteen, nine, seven, five, three rak'at or one rak'ah."

On the other hand, Ishaq ibn Ibrahim holds: "The meaning of the statement that the Prophet prayed thirteen rak'at of witr is that during the night he would pray thirteen rak'at including the witr prayer, and so all of the night prayer came to be known as witr."

Ibn al-Qayyim's view is that "the clear, authentic sunnah is to pray the witr with five or seven connected rak'at as reported by Umm Salamah in her hadith. [She says] that the Prophet would perform the witr with five or seven rak'at without breaking them apart with taslim or any speech." This is related by Ahmad, an-Nasa'i, and Ibn Majah with a good chain.

As previously mentioned, al-Bukhari and Muslim quote 'Aishah saying that the Prophet would perform thirteen rak'at during the night and would make the witr prayer with five of them, and he would not 'sit' [during those five] except in the last rak'ah of them. In another hadith, 'Aishah reports that the Prophet sallallahu alehi wasallam would perform nine rak'at during the night and that he would not sit during them until the eighth rak'ah in which he would make remembrance of Allah, praising Him, and would make supplication. Then, he would stand without making the taslim and pray the ninth rak'ah, after which he would sit, make the tashahud and make the taslim in such a manner that we could hear him. Then, he would pray two rak'at after the taslim while sitting, and that would make eleven rak'at. When he became older and heavier, he would make the witr with seven rak'at, performing the (last) two rak'at like the first one. In another version from her, it is stated: "When he became older and bulkier, he would make the witr with seven rak'at, and he would not sit during them, save in the sixth and seventh rak'ah and he would not make the taslim, save in the seventh rak'ah." In yet another version, it is stated: "He would pray seven rak'at and would not sit, save in the last of them." This is related by the group.

All of the preceding ahadith are authentic and clear and there is no contradiction in them. As to the Prophet's statement: "The night prayer is in sets of two [rak'at]," it is not relevant here. This is an authentic hadith, and the statement that he observed witr with seven or five rak'at is equally true. Both statements confirm each other. The seven, five, nine, and one rak'ah constitute the witr prayer, for witr is the name given to the one rak'ah offered in conclusion of whatever is offered prior to it. And the witr of the five, seven and nine rak'at are all connected like the maghrib which is described as three connected rak'at. If one breaks apart the five or seven rak'at with two taslim, like in the eleven rak'at, it will all be called witr due to the last odd rak'ah. This is supported by the Prophet's statement: 'The night prayer is sets of two rak'at. If one fears the coming of the dawn, he should perform one rak'ah, thereby making all of them odd [witr].' Therefore, the Prophet's actions and statements are in agreement, each part confirming the other." The fact is that the Prophet was responding to a question about the night prayer when he said: "it is in pairs of two." He was not speaking about witr, for the man had asked him about night prayer, and not about the witr.

## Fiqh 2.15: Recitation in the witr

It is permissible to recite after al-Fatihah any surah which one wishes to recite. 'Ali says: "There is not a part of the Qur'an that is obsolete, so make the witr prayer of whatever you wish from it." However, it is preferred to recite, in the first of the three rak'at of witr, al-A'la after reciting al-Fatihah. In the second rak'ah, it is preferred to recite al-Kafirun. In the third rak'ah, it is proper to recite the last three surahs of the Qur'an. This is narrated by Ahmad, Abu Dawud and Tirmizhi, who relate from 'Aishah, on sound authority saying: The Prophet sallallahu alehi wasallam would recite Ala'la in the first rak'ah, Al-Kafirun in the second and the last three surahs in the third rak'ah.

## Fiqh 2.15 a: Al-Qunut in the Witr

It is part of sunnah to supplicate with qunut in the witr prayer during the entire year. Ahmad, at-Tirmizhi, an-Nasa'i, Abu Dawud, Ibn Majah, and others record that al-Hassan ibn 'Ali said: "The Messenger of Allah taught me the [following] words to say in the witr prayer: 'O Allah, guide me among those whom You have guided. Grant me safety among those whom You have granted safety. Take me into Your charge among those whom You have taken into Your charge. Bless me in what You have given me. Protect me from the evil that You have decreed, for You decree and nothing is decreed for You. And there is no humiliation for whom You take as a ward. Blessed and Exalted are You, our Lord. ' "

At-Tirmizhi grades this hadith as hasan, and says: "... nothing is known from the Prophet concerning qunut more authentic than that." Commenting on its status, an-Nawawi says that its chain is sahih. Ibn Hazm has some reservations about its soundness, but says: "This hadith, although it is not one that can be used as a proof, is all that we have from the Prophet, and a weak hadith is dearer to me than mere opinion." Ahmad says this is also the view of Abu Musa, Ibn Mas'ud, Ibn 'Abbas, al-Bara', Anas, al-Hassan al-Basri, 'Umar ibn 'Abdul'aziz, al-Thauri, Ibn al-Mubarak, and the Hanafi school. This, an-Nawawi says, gives credibility to the report.

Ash-Shaf'i and others are of the opinion that the qunut in the witr prayer should be made during the latter half of the month of Ramadan. This is based on what Abu Dawud records that, 'Umar ibn al-Khattab convoked the people in prayer, under the leadership of Ubayy ibn Ka'b, and they prayed together for twenty nights, and he did not make the qunut except for during the latter half of the month of Ramadan. It is moreover related that Muhammad ibn Nasr asked Sa'id ibn Jubair about the qunut in the witr prayer. Sa'id answered: " 'Umar sent an army that suffered serious setback, which caused 'Umar to be alarmed, so, when it was the latter half of Ramadan, he made the qunut to supplicate for them."

## Fiqh 2.16: How to perform the qunut

It is permissible to make the qunut before going into ruku' (bowing), or It may be recited when one stands up straight after the ruku'. Humaid says: "I asked Anas: 'Is the qunut before or after the ruku'?' He said: 'We would do it before or after.'" This was related by Ibn Majah and Muhammad ibn Nasr. In Fath al-Bari, Ibn Hajar comments that its chain is faultless.

If one makes the qunut before the ruku', one should make the takbir and raise one's hands after the recital, and similarly make another takbir after the qunut, and then bow. This has been related from some companions. Some scholars hold that it is preferable to raise one's hands in supplication during the qunut, while others disagree.

As to wiping face with hands after the qunut, al-Baihaqi writes: "It is preferred not to do so and to confine one's self to what the early generations did. They raised their hands but did not wipe their faces during the prayer."

## Fiqh 2.17: Supplications after the witr

It is preferred for a person to say after the taslim: "Glory be to the Master, the Holy," three times aloud, saying the third time: "Lord of the angels and the souls." Abu Dawud and anNasa'i record that Ubayy ibn Ka'b said: "The Prophet sallallahu alehi wasallam would recite al-A'la and al-Kafirun in the witr prayer. When he made the taslim, he would say: 'Glory be to the Master, the Holy ,' three times, prolonging the third repetition and saying it aloud." This is the wording in which an-Nasa'i recorded it. Ad-Daraqutni has the addition: "And he would say, 'Lord of the angels and the spirits. "' He would then make supplications and, according to what Ahmad, anNasa'i, Abu Dawud, Ibn Majah, and at-Tirmizhi record from 'Ali, he would say at the end of his witr: "O Allah, I seek refuge in Your pleasure from your anger. And I seek refuge in Your granting well being from Your punishment. And I seek refuge in You from You. I cannot reckon Your praise: You are as You have praised Yourself."

## Fiqh 2.17 a: Prohibition of two witr prayers in one night

Whoever has performed the witr prayer and then wishes to do some more, he may do so but he is not to repeat the witr.

Abu Dawud, an-Nasa'i, and at-Tirmizhi have recorded from 'Ali that he heard the Messenger of Allah say: "There are no two witr prayers in one night." At-Tirmizhi grades it hasan.

'Aishah relates that the Prophet would make the taslim in such a manner that we could hear him and then, he would pray two rak'at while sitting. This is related by Muslim.

Umm Salamah also narrates that he prayed two rak'at while sitting, after the witr prayer. This was related by Ahmad, Abu Dawud, at-Tirmizhi, and others.

## Fiqh 2.18: Making up a missed witr

According to al-Baihaqi and al-Hakim, the majority of the scholars maintain that it is correct to make qada' for a missed witr prayer. Al-Hakim grades the following report by Abu Hurairah as sahih according to the criterion of al-Bukhari and Muslim.

Abu Hurairah reports that the Prophet said: "If the morning approaches, and you have yet to pray witr, you should pray the witr prayer." Abu Dawud records from Abu Sa'id al-Khudri that the Prophet said: "If one of you sleeps [past the time of] the witr prayer or he forgets it, he should pray it when he remembers it." Al-'Iraqi says that the chain of this hadith is sahih.

Ahmad and at-Tabarani record with a hasan chain that the Prophet sallallahu alehi wasallam would perform the witr prayer in the morning [if, for some reason, he had missed it during the night].

Generally speaking, there is a difference of opinion over what time it may be made up. The Hanafi school holds it should be performed during those times in which it is not forbidden to observe prayers. The followers of Shaf'i say that it may be made up during any time of the night or day, while according to Malik and Ahmad a missed witr prayer is to be made up for after the dawn.

## Fiqh 2.18 a: Al-Qunut in the five prayers

It is legitimate to recite the qunut aloud in any of the five daily prayers at those times when Muslims are faced with calamities. Ibn 'Abbas relates that the Messenger of Allah sallallahu alehi wasallam made qunut consecutively for one month in the zuhr, 'asr, maghrib, 'isha, and fajr prayers. At the end of every prayer, after saying: "Allah hears him who praises Him" in the last rak'ah, he would supplicate against Re'l, Zhakwan, and 'Usiyyah'˝of Banu Sulaim, and the people behind him would say 'Ameen'. This is related by Ahmad and by Abu Dawud adding that these three had killed the emissaries that the Prophet sallallahu alehi wasallam had sent to them. 'Ikrimah says: "That was the begining of the qunut."

Abu Hurairah reports that whenever the Prophet sallallahu alehi wasallam wanted to supplicate against or for someone, he would make qunut after going into ruku'. Sometimes, he would say: "Allah hears him who praises Him. Our Lord, to you is the praise. O Allah! Save al-Walid ibn al-Walid and Salamah ibn Hisham and 'Iyash ibn Abi Rabi'ah and the oppressed [and weak] believers. O Allah, put hardship and pressure on the tribe of Muzhar and give them years of famine like those during the time of Yusuf." He would say this aloud in some of the prayers. Also in the dawn prayer, he would say: "Oh Allah, curse so and so," cursing two tribes of Arabs until Allah revealed: "It is no concern at all of thee [Muhammad] whether He relent toward them or punish them, for they are evildoers ." This is related by Ahmad and al-Bukhari .

## Fiqh 2.19: Al-Qunut in salatul fajr

It is not correct to make qunut in the dawn prayer except during times of calamity, in which case it may be made in any of the five daily prayers. Abu Malik al-Ashja'i said: "My father prayed behind the Prophet sallallahu alehi wasallam when he was sixteen years old, and he prayed behind Abu Bakr, 'Umar, and 'Uthman. I asked him, 'Did they make the qunut'?' He said, 'No, son, it is something that has been innovated."' This is related by Ahmad, an-Nasa'i, Ibn Majah, and at-Tirmizhi who calls it sahih. Anas said that the Prophet sallallahu alehi wasallam would not make the qunut in fajr unless he was supplicating for a people or supplicating against a people. This is related by Ibn Hibban, al-Khatib, and Ibn Khuzaimah who said it is sahih.

It is also related that az-Zubair, Abu Bakr, 'Umar, and 'Uthman did not make the qunut in the dawn prayer. This is the opinion of the Hanafiyyah, the Hanbaliyyah, Ibn al-Mubarak, al-Thauri, and Ishaq. The followers of Shaf'i are of the opinion that the qunut is to be made after the ruku' of the second rak'ah in the obligatory dawn prayer. This opinion is based on the following two reports. Ibn Sireen narrates that Anas ibn Malik was asked: "Did the Prophet make the qunut in the dawn prayer?" He answered: "Yes." They asked him: "Before the ruku' or after it?" He replied: "After it." This is related by the group save at-Tirmizhi.

There is a report from Anas which says: "The Messenger of Allah sallallahu alehi wasallam did not stop making qunut during the dawn prayer until he left this world." This is related by Ahmad, al-Bazzar, adDaraqutni, al-Baihaqi, and al-Hakim who says it is sahih.

However, there remains some doubt concerning this evidence since the qunut which they asked Anas about, as is clear in the narrations of al Bukhari and Muslim, was the qunut during the time of calamities. Concerning the latter hadith (the one mentioned in support of their stand), in its chain of narrators there is Abu Ja'far ar-Razi who is not a credible source and, thus, one cannot build a case upon his hadith. How could it be that the Messenger of Allah never stopped performing this qunut until his death, and yet, the rightly guided caliphs did not perform it? It is even confirmed that Anas himself did not make the qunut in the dawn prayer! If we must accept this latter hadith as authentic, it would mean that the Prophet always made supplications and remembrance ( zhikr), after the ruku', until his death. This would also come under qunut and, in this sense, it would be more befitting. Still, this is one of the matters in which it is acceptable to have differences of opinion, and one may either do it or leave it. The best guidance is that of Muhammad sallallahu alehi wasllam.

## Fiqh 2.20: The Late Night Prayer, tahajjud (qiyam al-Layil)

Its excellence and merit from the Qur'an: Allah ordered his Messenger to perform salatul tahajjud:

"And some part of the night awake for prayer, a largess for thee. It may be that thy Lord will raise thee to a praised position."

This order, although it was specifically directed to the Prophet, also refers to all the Muslims since the Prophet is their example and guide in all such matters.

Those who regularly perform the tahajjud prayers are the Righteous and are more deserving of Allah's

bounty and mercy. Allah says: "Lo! Those who keep from evil will dwell amid gardens and watersprings, taking that which their Lord gives them. For, lo, they were doers of good. They used to sleep but little of the night and before the dawning of each day would seek forgiveness."

Allah praised and complemented the deeds of those who perform the late-night prayers. "The slaves of the Beneficent are they who walk upon the earth in humbleness, and when the ignorant address them, they say: 'Peace' and they who spend the night prostrating before their Lord and standing" [ al-Furqan: 63-64 ].

Allah bears witness to their belief in His signs. He says: "Only those believe in Our revelations who, when they are reminded of them, fall down prostrate and hymn the praise of their Lord and they are not scomful: who forsake their beds to cry unto their Lord in fear and hope and spend of what We have bestowed on them. No soul knows what is kept hidden for them of joy as a reward for what they used to do."

Allah proclaims that those who do not possess these qualities cannot be treated as equal to those who possess them: "Is he who pays adoration in the watches of the night, prostrate and standing, aware of the Hereafter and hoping for the mercy of his Lord equal to a disbeliever? Say: 'Are those who know equal with those who know not?' But only men of understanding will pay heed."

## Fiqh 2.21: Hadith regarding Tahajjud

The preceding section was primarily concerned with what Allah says about those who perform salatul tahajjud. There also exist a number of ahadith that reinforce the importance of tahajjud.

'Abdullah ibn as-Salam reports: "When the Prophet sallallahu alehi wasallam came to Medinah, the people gathered around him and I was one of them. I looked at his face and understood that it was not the face of a liar. The first words I heard him say were: 'O people, spread the salutations, feed the people, keep the ties of kinship, and pray during the night while the others sleep and you will enter paradise in peace."' This is related by al-Hakim, Ibn Majah, and at-Tirmizhi who calls it hasan sahih.

Salman al-Farsi relates that the Prophet sallallahu alehi wasallam said: "Observe the night prayer, it was the practice of the rightous before you and it brings you closer to your Lord and it is penance for evil deeds and erases the sins and repells disease from the body."

Sahl ibn Sa'd reports: "Gabriel came to the Prophet sallallahu alehi wasallam and said: 'O Muhammad, live as long as you like, for you are to die. Do whatever deed you wish, for you are to be rewarded. Love whomever you wish, for you are to be parted. And know that the honor of the believer is in the night prayer and his glory is being free from want from the people."'

Abu ad-Darda' reports that the Prophet said: "Three people are loved by Allah, and He laughs for them and He grants them glad tidings. [The first is] a man who fights behind a group that flees and does so with his own soul for Allah's sake, regardless of whether he is killed or he is aided by Allah and made victorious. Allah says: 'Look to my slave there who is patient with his life for My sake.' [The second is] the one who has a beautiful wife and a soft bed and rises during the night. Allah says: 'He leaves his desires and remembers Me and if he wished he would sleep.' [The third] is a person who is traveling with a group and they pass the night awake and then sleep, but he still observes his prayer in hardship or ease."

## Fiqh 2.22: Etiquettes of Late Night Prayer

The following acts are sunnah for one who wishes to perform the tahajjud prayers. Upon going to sleep, one should make the intention to perform the tahajjud prayers. Abu ad-Darda' relates that the Prophet sallallahu alehi wasallam said: "Whoever goes to his bed with the intention of getting up and praying during the night, and sleep overcomes him until the moming comes, he will have recorded for him what he had intended, and his sleep will be a charity for him from his Lord." This is related by an-Nasa'i and

ibn Majah with a sahih chain. Upon waking, one should wipe one's face, use a toothstick, and look to the sky and make the supplication which has been reported from the Prophet sallallahu alehi wasallam: "There is no God but Thee, Glory be to Thee, I seek forgiveness from You for my sins, and I ask for your mercy. O Allah, increase my knowledge and let my heart not swerve after You have guided me, and bestow mercy upon me from Thyself. All praise be to Allah who has given us back life after our death and unto Him is the resurrection."

Then, one should recite the last ten 'ayat of al-'Imran, starting with, "Lo! In the creation of the heavens and the earth and [in] the difference of night and day are tokens (of His sovereignty) for men of understanding." Then one should say, "O Allah, to You belongs the praise. You are the Light of the heavens and the earth and what is therein. And to You belongs the praise. You are the truth and Your promise is true. And the meeting with You is true. And the paradise is true. And the Fire is true. And the prophets are true. And Muhammad is true. And the Hour is true. O Allah, to You have I submitted. And in You have I believed. And in You have I put my trust. And to You have I turned. And by You I argue. And to You do I turn for my decisions. Forgive me of my former and latter sins, and those done in private and those done in public. You are Allah, there is no God besides Thee."

One should begin Qiyam al-Layil with two quick rak'at and then one may pray whatever one wishes after that. 'Aishah says: "When the Prophet prayed during the late-night, he would begin his prayers with two quick rak'at." Both of these reports are related by Muslim.

## Fiqh 2.23: One should wake up one's family for tahajjud

Abu Hurairah reports that the Prophet said: "May Allah bless the man who gets up during the night to pray and wakes up his wife and who, if she refuses to get up, sprinkles water on her face. And may Allah bless the woman who gets up during the night to pray and wakes up her husband and who, if he refuses sprinkles water on his face." The Prophet sallallahu alehi wasallam also said: "If a man wakes his wife and prays during the night or they pray two rak'at together, they will be recorded among those (men and women) who (constantly) make remembrance of Allah." This is related by Abu Dawud and others with a sahih chain.

Umm Salamah narrates that the Prophet sallallahu alehi wasallam got up during the night and said: "Glory be to Allah. What trials are descended with the night. And what has descended of treasures. Who will waken the lady occupants of the rooms (i.e., his wives) for prayers; how many a well dressed in this world will be naked in the hereafter." This is related by al-Bukhari

Al-Bukhari and Muslim record that the Messenger of Allah asked 'Ali and Fatimah: "Do you not pray [during the night]?" 'Ali said: "O Messenger of Allah, we are in Allah's hands. If He wishes to make us get up, we get up." The Prophet turned away when he said that. Then, they could hear him striking his thigh and saying: "Verily, man disputes a lot." This is related by al-Bukhari and Muslim.

## Fiqh 2.24: One should stop praying tahajjud and sleep if one becomes very sleepy

'Aishah reports that the Messenger of Allah said: "When one of you gets up during the night for prayer and his Qur'anic recital becomes confused to the extent that he does not know what he says, he should lie down." This is related by Muslim.

Anas narrates that the Messenger of Allah entered the mosque and saw a rope stretching between two posts. He asked: "What is this?" The people told him that it was for Zainab [bint Jahsh] who, when she became tired or weary, held it (to keep standing for the prayer). The Prophet said: "Remove the rope. You should pray as long as you feel active, and when you get tired or weary, you should lie down to rest." This is related by al-Bukhari and Muslim.

One should not overburden one's self with the night prayer and should only pray it to the extent that is reasonable, and not leave that practice unless there is some great need to do so. 'Aishah reports that the Messenger of Allah said: "Do (good) deeds according to your capacity, for by Allah, Allah does not

weary from giving rewards unless you get tired of doing good deeds." This is related by al-Bukhari and Muslim.

Al-Bukhari and Muslim also relate from 'Aishah that the Messenger of Allah was asked: "What is the most loved deed to Allah?" He answered: "One that is performed constantly even if it is a small deed." And Muslim recorded that 'Aishah said: "The Messenger of Allah was constant in his deeds, and if he did something, he would do it consistently."

'Abdullah ibn 'Umar reports that the Messenger of Allah said: "O 'Abdullah, do not become like so-and-so who used to make the tahajjud prayers and then he stopped praying it." This is related by al-Bukhari and Muslim.

Al-Bukhari and Muslim also record, on the authority of 'Abdullah ibn Mas'ud, that it was mentioned to the Prophet sallallahu alehi wasallam that a man slept until the morning. [ThereuponJ he said: "Satan has urinated into the ears of that person." They also record from Salim ibn 'Abdullah ibn 'Umar, from his father, that the Messenger of Allah said to his father, "Abdullah would be a good man if he would pray the tahajjud prayers." Salim said: "After that, 'Abdullah would not sleep during the night save for a small amount at a time."

### Fiqh 2.24 a: The recommended time for tahajjud

Salatul Layil may be performed in the early part of the night, the middle part of the night, or the latter part of the night, but after the obligatory salatul 'isha.

While describing the salah of the Prophet sallallahu alehi wasallam, Anas would say: "If we wanted to see him praying during the night, we could see him praying. If we wanted to see him sleeping during the night, we could see him sleeping. And sometimes he would fast for so many days that we thought he would not leave fasting throughout that month. And sometimes he would not fast (for so many days) that we thought he would not fast during that month." This is related by Ahmad, al-Bukhari, and anNasa' i .

Commenting on this subject, Ibn Hajar says: "There was no specific time in which the Prophet sallallahu alehi wasallam would perform his late night prayer; but he would do whatever was easiest for him."

### Fiqh 2.25: Best time for tahajjud

It is best to delay this prayer to the last third portion of the night. Abu Hurairah reports that the Messenger of Allah said: "Our Lord descends to the lowest heaven during the last third of the night, inquiring: 'Who will call on Me so that I may respond to him? Who is asking something of Me so I may give it to him? Who is asking for My forgiveness so I may forgive him?"' This is related by the group.

'Amr ibn Abasah reports that he heard the Prophet say: "The closest that a slave comes to his Lord is during the middle of the latter portion of the night. If you can be among those who remember Allah, the Exalted One, at that time then do so." This is related by al-Hakim who grades it sahih according to Muslim's standards, and at-Tirmizhi calls it hasan sahih. AnNasa'i and Ibn Khuzaimah also recorded it.

Abu Muslim asked Abu Zharr: "Which late-night prayer is the best?" He said: "I asked the Messenger of Allah the same that you asked me and he said, 'The (one done during) middle of the latter half of the night, and very few do it.'" This is related by Ahmad with a good chain.

'Abdullah ibn 'Amr reports that the Prophet said: "The most beloved fast to Allah is the fast of David. And the most beloved prayer to Allah is the prayer of David. He would sleep half of the night and then pray during the next third of the night and then sleep during the last sixth of the night. And he would fast one day and not fast the next." This is related by the group except at-Tirmizhi.

The number of rak'at to be performed during tahajjud: The tahajjud prayer does not entail a specific number of rak'at which must be performed nor is there any maximum limit which has to be performed. It would be fulfilled even if one just prayed one rak'ah of witr after the obligatory night prayer.

Samurah ibn Jundub says: "The Messenger of Allah ordered us to pray during the night, a little or a lot, and to make the last of the prayer the witr prayer." This is related by at-Tabarani and al-Bazzar.

Anas relates that the Messenger of Allah said: "Prayer in my mosque is equal to ten thousand prayers [elsewhere]. And prayer in the inviolable mosque is equivalent to one hundred thousand prayers [elsewhere]. And prayer in the battlefield is equivalent to one million prayers [elsewhere]. And what is more than all of that is two rak'at by a slave [of Allah] during the middle of the night." This is reported by Abu ash-Shaikh, Ibn Hibban in his work ath-Thawab, and al-Munzhiri, in his book at-Targhib watTarhib, is silent about it.

Iyas ibn Mu'awiyyah al-Mazni reports that the Prophet sallallahu alehi wasallam said: "The night prayer should certainly be performed even if it is for the length of time that it takes one to milk a sheep. And whatever is after the obligatory 'isha is of the tahajjud." This is related by at-Tabarani, and all of its narrators are trustworthy save Muhammad ibn Ishaq.

Ibn 'Abbas relates: "I mentioned the tahajjud prayer and some of the people said that the Prophet sallallahu alehi wasallam said: 'It may be half of the night, a third of the night, a fourth of the night or a fraction of the time for milking a camel or a sheep.""

Ibn 'Abbas also narrates that the Prophet ordered them and encouraged them to make the tahajjud prayer to the extent that he said: "You should perform salatul layil even if it is just one rak'ah." This is related by atTabarani in al-Kabir and al-Awsat.

## Fiqh 2.26: It is preferable to pray eleven or thirteen rak'at for tahajjud

One may choose between praying them all together or to separate them. 'Aishah says: "The Messenger of Allah never prayed more than eleven rak'at, during Ramadan or otherwise. He would pray four rak'at, and don't ask about how excellent they were or how lengthy they were. Then, he would pray four rak'at, and don't ask about how excellent they were or how lengthy they were. Then, he would pray three rak'at. I asked: 'O Messenger of Allah, do you sleep before praying witr?' he replied: 'O 'Aishah, my eyes sleep but my heart does not sleep."' This is recorded by al-Bukhari and Muslim who also record that al-Qasim ibn Muhammad said that he heard 'Aishah say: "The Messenger of Allah's prayer during the night would be ten rak'at and then he would make witr with one rak'ah."

## Fiqh 2.26 a: Making qada' for the missed tahajjud

Muslim records that 'Aishah said: "If the Prophet sallallahu alehi wasallam missed the late-night prayers due to pain or anything else, he would pray twelve rak'at during the day."

'Umar reports that the Prophet sallallahu alehi wasallam said: "Whoever sleeps past his full portion [of the late-night prayers] or part of them, he should pray between the dawn and noon prayers and it would be recorded for him as if he had prayed during the night." This is related by the group except for al-Bukhari.

## Fiqh 2.27: The legality of the Tarawih prayer

The specific prayers during the month of Ramadan, which are known as tarawih, are sunnah for both men and women, and they are to be performed after the obligatory 'isha and before the performance of the witr. They should be prayed in sets of two rak'at each. It is allowed to pray them after witr; though, this is not the best thing to do. They may be performed until the end of the night.

Abu Hurairah reports that the Prophet sallallahu alehi wasallam would encourage people to perform the special prayers during Ramadan without commanding them as obligatory and he said: "Whoever prays during the nights of Ramadan [tarawih] with a firm belief and hoping for reward, all of his previous sins would be forgiven." This is related by the group.

'Aishah says: "The Prophet offered salah in the mosque and many people prayed with him. The next day he did the same and more people prayed with him. Then the people gathered on the third night but, the Prophet did not come out to them. In the morning, he said to them: 'Surely I saw what you did, and nothing prevented me from coming out to you, save that I feared that [that prayer] would be made obligatory upon you.' And that was during Ramadan." This is related by the group except for at-Tirmizhi .

### Fiqh 2.27 a: The number of rak'at of Tarawih

'Aishah reported that the Prophet sallallahu alehi wasallam would not pray more than eleven rak'at during Ramadan or otherwise. This is related by the group.

Ibn Khuzaimah and Ibn Hibban have recorded in their sahihs on the authority of Jabir that the Prophet prayed eight rak'at and the witr prayer with the companions. Then, the next day, the people waited for him but he did not come out to them.

Abu Ya'la and at-Tabarani record, with a hasan chain, from Jabir that Ubayy ibn Ka'b came to the Prophet sallallahu alehi wasallam and said: "O Messenger of Allah, I have done something last night," (i.e., during Ramadan). The Prophet said: 'And what was that, O Ubayy?' He said: The women in my house said, 'We don't recite Qur'an [well or much] so can we pray behind you?' I prayed eight rak'at and the witr prayer with them.

The Messenger of Allah sallallahu alehi wasallam was pleased with that and did not say anything."

This is the sunnah that has been related from the Messenger of Allah and nothing besides that is authentic. It is also true that during the time of 'Umar, 'Uthman, and 'Ali the people prayed twenty rak'at, and this is the opinion of the majority of the jurists of the Hanafi and Hanbali schools as well as that of Dawud.

At-Tirmizhi says: "Most of the people of knowledge follow what has been related from 'Umar and 'Ali and other companions of the Prophet, [i.e., that they prayed] twenty rak'at. And this is the opinion of al-Thauri, Ibn al-Mubarak, and ash-Shaf'i. And so I found the people of Makkah praying twenty rak'at."

Some of the scholars are of the opinion that the sunnah is eleven rak'at, including witr, and it is also preferred to pray the remainder [of the twenty rak'at] .

Al-Kamal ibn al-Hamam says: "The evidence indicates that the sunnah of the twenty rak'at is what the Prophet sallallahu alehi wasallam himself did and then he stopped out of fear that it would become something obligatory (for his followers), therefore, the rest of the rak'at are only preferred. It is however, confirmed that he only prayed eleven rak'at, including the witr, as is stated in the two sahihs. According to the scholars, the sunnah is eight rak'at while it is preferred to pray twelve rak'at."

### Fiqh 2.28: Praying tarawih in congregation

It is allowed to pray tarawih of the month of Ramadan in a congregation just as it is allowed to pray them on an individual basis. The majority of the scholars, however, prefer to pray them in congregation. The Prophet sallallahu alehi wasallam, as stated earlier, prayed tarawih in congregation with the Muslims but he discontinued since he feared that it would be made obligatory.

'Umar was the one who convoked the Muslims to pray tarawih behind one imam. Abdurahman ibn

Abdulqari reports: "One night during Ramadan, I went with 'Umar to the mosque and the people were praying in different groups. Some were praying by themselves and others were praying in small groups. 'Umar said: 'I think it would be better if I gathered them under one imam .' Then he did so and appointed Ubayy ibn Ka'b as the leader of the prayer. Then I went out with him on another night and all the people were praying behind one imam and 'Umar said: 'What a good innovation (bid'ah) this is,' but, it is better to sleep and delay it until the latter portion of the night." The people (however) prayed it at the beginning of the night. This is related by al-Bukhari, Ibn Khuzaimah, alBaihaqi, and others.

## Fiqh 2.29: The recitation of the Qur'an in tarawih

There is no particular sunnah regarding the recitation during salat at-tarawih. It is related that some people of the early generations would pray with two hundred 'ayyahs or so and the people would be leaning on staffs due to the protracted standing during the salah. They would not leave their prayers until shortly before dawn and some of them would rush their servants to prepare food for them fearing that dawn may break soon. They would recite al-Baqarah in eight rak'at and if they would complete it in twelve rak'at, they would consider their prayers to have been very short.

Ibn Qudamah says: "Ahmad said: 'Recite of the Qur'an what is easy for the people and do not be hard upon them, especially during the short nights [i.e., during the summer].'"

[On the same subject], Al-Qadi says: 'It is not preferred to recite less than the entire Qur'an during the month: in this way, the people will be able to hear the whole Qur'an. Do not recite more than one reading of the Qur'an as this may be hard upon the people. [While reciting], consideration should be given to the condition of the people. If the people concur that they would prefer a long recital, that would be best.'

Likewise, Abu Zharr said: 'We prayed with the Prophet sallallahu alehi wasallam until we feared that we would miss the pre-dawn meal. And the imam would recite two hundred 'ayyahs.'"

## Fiqh 2.29 a: The excellence of the duha prayer

Many hadith describe the excellence of the duha prayer.

Abu Zharr reports that the Prophet sallallahu aleihi wasallam said: "Charity is required from every part of your body daily. Every saying of 'Glory be to Allah' is charity. Every saying of 'Praise be to Allah' is charity. Every saying of 'There is no God but Allah' is charity. Every saying of 'Allah is the Greatest' is charity. Ordering the good is charity. Eradicating the evil is charity. And what suffices for that (as a charity) are the two rak'at of duha." This is related by Ahmad, Muslim, and Abu Dawud.

Ahmad and Abu Dawud record from Buraidah that the Prophet sallallahu alehi wasallam said: "In a human (body) there are 360 joints and man must make a charity for each one." The people said: "Who can do that, O Messenger of Allah?" He responded: "One may cover the mucus that one finds in the mosque or remove something harmful from the road. If one could not do that, he could pray two rak'at of duha and that will be sufficient for him."

Talking of the legal import of these hadith, ash-Shaukani says: "These two hadith point to the greatness, excellence, and importance of the duha prayer, stressing its legality as its two rak'at suffice for 360 charities. Something like this should be performed regularly and persistently. The hadith also establish the importance of saying 'Glory be to Allah', 'Praise be to Allah', and 'There is no God but Allah.' And [the importance of] ordering the good, eradicating the evil, removing the spittle, removing what is harmful from the path, and such other acts that will fulfill what is required of a person of daily charities."

An-Nawas ibn Sam'an relates that the Prophet sallallahu alehi wasallam said: "Allah said: 'Son of Adam, do not fail in performing four rak'at in the early day as it will be sufficient for the latter part of the day."' This is related by al-Hakim and at-Tabarani and its narrators are trustworthy. Ahmad, at-

**Tirmizhi, Abu Dawud, and an-Nasa'i relate it on the authority of Na'im al-Ghatfani with a good chain. At-Tirmizhi's wording is: "Son of Adam, pray four rak'at for Me in the early day and it will be sufficient for you for the latter part of the day."**

**'Abdullah ibn 'Amr says: "The Messenger of Allah sent an expedition and they obtained lots of booty and returned quickly. The people talked about their quick victory, abundant booty, and quick return. At this the Messenger of Allah said: 'Shall I not guide you to a closer battle, a greater booty and a quicker return? Whoever makes wudu' and then goes to the mosque to pray duha, that is the closer battle, better booty, and quicker return."' This is related by Ahmad and at-Tabarani. Abu Ya'la has something similar to it.**

**Abu Hurairah says: "My friend [the Messenger of Allah] advised me to do three things: fasting three days of every month, praying the duha prayer, and praying the witr prayer before I sleep." This is related by alBukhari and Muslim.**

**Anas says: "During a journey, I saw the Messenger of Allah pray eight rak'at in the early day. When he finished, he said: 'I prayed my prayer wishing and fearing. I asked my Lord for three things and He gave me two and withheld one. I asked Him not to put my ummah to trial by famine and He granted that request. And I asked that they would not be overtaken by their enemies and He granted that request. And I asked that they not be split into groups and parties and He refused that request."' This is related by Ahmad, an-Nasa'i, al-Hakim, and ibn Khuzaimah who classifies it as sahih.**

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## Fiqh 2.31: Salatul duha is a prized prayer

Salatul duha is a prized prayer and whoever wishes to earn reward should pray it, while there is no blame upon the one who does not pray it.

Abu Sa'id reports: "The Prophet sallallahu alehi wasallam would pray duha until we thought he would never abandon it. And he would abandon it to the point that we thought he would no longer perform it." This is related by at-Tirmizhi who says it is hasan.

Anas relates that the Messenger of Allah said: "Prayer in my mosque is equal to ten thousand prayers [elsewhere]. And prayer in the inviolable mosque is equivalent to one hundred thousand prayers [elsewhere]. And prayer in the battlefield is equivalent to one million prayers [elsewhere]. And what is more than all of that is two rak'at by a slave [of Allah] during the middle of the night." This is reported by Abu ash-Shaikh, Ibn Hibban in his work ath-Thawab, and al-Munzhiri, in his book at-Targhib watTarhib, is silent about it.

### Fiqh 2.31 a: Recommended time for the duha prayer

The time for duha begins when the sun is about a spear's length above the horizon and it continues until the sun reaches its meridian. It is preferred to delay it until the sun has risen high and the day has become hot.

Zaid ibn Arqam relates: "The Messenger of Allah sallallahu alehi wasallam went to the people of Quba', and they were performing duha, and he said: 'The prayer of devotion should be observed when the young weaned camels feel the heat of the sun.'" This is related by Ahmad, Muslim, and at-Tirmizhi .

### Fiqh 2.31 b: Number of rak'at for the duha prayer

The minimum number of rak'ah to be prayed is two, as was mentioned in the hadith of Abu Zharr. The most that the Prophet sallallahu alehi wasallam performed was eight rak'at, whereas, the most he mentioned was twelve rak'at. Some people, such as Abu Ja'far at-Tabari, al-Mulaimi, and ar-Ruwyani, who subscribes to the Shafi' school, say there is no maximum limit to the number of rak'at that one may perform for duha.

Al-'Iraqi says, in the commentary on Sunan at-Tirmizhi: "None of the companions or followers are known to have restricted it to twelve rak'at." As-Syuti agrees with it.

Sa'id ibn Mansur records that al-Hassan was asked: "Did the companions perform it?" He answered: "Yes . . . some of them would pray two rak'at and some of them would pray four rak'at. And some of them would continue until half the [early] day [had passed]."

Ibrahim an-Nakha'i reports that al-Aswad ibn Yazid was asked: "How many rak'at are to be prayed for duha?" He answered: "As many as you wish ."

Umm Hani narrates that the Prophet sallallahu alehi wasallam prayed eight rak'at of duha and made the taslim after every two rak'at. This is related by Abu Dawud with a sahih chain.

'Aishah reports: "The Prophet sallallahu alehi wasallam would pray four rak'at for duha and would add to it whatever Allah willed." This is related by Ahmad, Muslim, and ibn Majah.

### Fiqh 2.32: Salatul Istikharah

It is a sunnah that, if one must choose between permissible alternatives, one may pray two non-obligatory rak'at, even if they are of the regular sunnah prayers or a prayer for entering the mosque,

and so on, during any time of the day or night, and to recite therein whatever one wishes of the Qur'an after reciting al-Fatihah. Then one praises Allah and sends salutations to the Prophet sallallahu alehi wasallam and recites the following supplication which has been recorded by al-Bukhari in Jabir's narration: "The Prophet sallallahu alehi wasallam would teach us al-istikhara for all of our affairs as he would teach us a surah from the Qur'an. He said: 'If one of you is deliberating over an act, he should pray two non-obligatory rak'at and say:

"O Allah, I consult You as You are All-Knowing and I appeal to You to give me power as You are Omnipotent, I ask You for Your great favor, for You have power and I do not, and You know all of the hidden matters . O Allah ! If you know that this matter (then he should mention it) is good for me in my religion, my livelihood, and for my life in the Hereafter, (or he said: 'for my present and future life,') then make it (easy) for me. And if you know that this matter is not good for me in my religion, my livelihood and my life in the Hereafter, (or he said: 'for my present and future life,') then keep it away from me and take me away from it and choose what is good for me wherever it is and please me with it."

There is nothing authentic concerning something specific that is to be recited in the prayer nor is there any authentic report concerning how many times one should repeat it.

An-Nawawi holds that "after performing the istikharah, a person must do what he is wholeheartedly inclined to do and feels good about doing and should not insist on doing what he had desired to do before making the istikharah. And if his feelings change, he should leave what he had intended to do, otherwise he is not completely leaving the choice to Allah, and would not be honest in seeking aid from Allah's power and knowledge. Sincerity in seeking Allah's choice, means that one should completely leave what he himself had desired or determined."

## Fiqh 2.33: Salatul Tasbih

'Ikrimah reports from Ibn 'Abbas that the Messenger of Allah said to 'Abbas ibn 'Abdal-Mutalib: "O 'Abbas, O Uncle, shall I not give you, shall I not present to you, shall I not donate to you, shall I not tell you ten things which, if you do, Allah will forgive your first and last sins, past and present sins, intentional and unintentional sins, private and public sins? The ten actions are: pray four rak'at, reciting in every rak'ah al-Fatihah and a surah. And when you finish the Qur'anic recitation of the first rak'ah, say, while standing, 'Subhanallah, al-hamdulillah, wa la ilaha illallah, wa Allahu Akbar' ['Glory be to Allah. All praise is due to Allah. There is no God except Allah. Allah is the greatest.'] fifteen times. Then make ruku', and while you are in ruku', say the same ten times; then stand, and say the same ten times. Then go down and make sajdah, and while you're in sajdah, say the same ten times. Then sit after the sajdah, and say the same ten times. Then make sajdah, and say the same ten times. Then sit after the second sajdah, and say the same another ten times. That is seventy-five [repetitions of the phrases] in each rak'ah. Do that in each of the four rak'at. If you can pray it once a day, do so. If you cannot, then once every Friday. If you cannot do that, then once a year. And if you cannot do that then once in your life." This is related by Abu Dawud, Ibn Majah, Ibn Khuzaimah in his sahih, and at-Tabarani. About this hadith al-Munzhiri says: "This hadith has been related through many chains and from a number of companions. The best of them is this one from 'Ikrimah. A group of scholars have graded it to be sahih, including al-Hafez Abu Bakr al-'Ajari, (al-Munzhiri's teachers), Abu Muhammad 'Abdurrahim al-Misri, and Abu al-Hassan al-Maqdisi." Ibn alMubarak says: "The tasbih prayer is a greatly desired act and it is desirable that one should punctually observe it and never neglect it.

## Fiqh 2.33 a: Salatul Hajah, the prayer for need

Ahmad has on sound authority reported from Abu Darda that the Prophet Sallallahu Alehi wasallam said: "He who makes wudu, and does it properly, then prays two rak'at, Allah will grant him whatever he may pray for, sooner or later."

## Fiqh 2.34: Salatul Taubah, the prayer of penitence

Abu Bakr reports: "I heard the Prophet sallallahu alehi wasallam saying: 'Allah forgives the man who

commits a sin (then feels ashamed), purifies himself, offers a prayer and seeks His forgiveness.' Then he recited the 'ayyah: 'And those who, when they do an evil thing or wrong themselves, remember Allah and implore forgiveness for their sins - and who can forgive sins except Allah? - and will not knowingly repeat (the wrong) they did. The reward of such will be forgiveness from their Lord, and gardens underneath which rivers flow, wherein they will abide forever- a bountiful reward for workers.'" [al-'Imran: 135-136]. This is related by Abu Dawud, an-Nasa'i, Ibn Majah, al-Baihaqi, and at-Tirmizhi who calls it hasan.

At-Tabarani records in al-Mu'jam al-Kabir, with a hasan chain, from Abu ad-Darda' that the Prophet sallallahu alehi wasallam said: "Whoever makes wudu' and perfects the wudu' and then stands and prays two rak'at or four rak'at, obligatory or non-obligatory, and perfects therein his ruku' and sujjud and then asks for Allah's forgiveness, he will be forgiven."

## Fiqh 2.34 a: Salatul Kasuf, prayer of the solar and lunar eclipse

The scholars agree that the prayer of the eclipses is a sunnah mu'akkadah, a stressed one, which is to be performed by both men and women. It is best to pray it in congregation although the congregation is not a condition for it. The people are called to it by announcing as-salatu jami'ah "prayer in congregation." The majority of the scholars hold that it is to consist of two rak'at and that in every rak'ah one is to perform two bowings (ruku') instead of the customary one.

'Aishah narrates: "There was a solar eclipse during the time of the Prophet sallallahu alehi wasallam and the Prophet went to the mosque, and he stood and made the takbir, and he put the people in rows behind him, and he made a lengthy recital during the salah. Next, he made the takbir and made a long ruku', but it was not as long as the recital. Following that, he raised his head, saying: 'Allah hears him who praises Him. And to You, our Lord, belongs the praise.' Afterward, he stood and made another long recital but it was shorter than the first one. Again, he made the takbir and made a ruku' that was shorter than the first one. Then, again he said: 'Allah hears him who praises Him. And to You, our Lord, belongs the praise.' After this, he prostrated. He did the same in the next rak'ah and finished four ruku' and four sujjud. The sun appeared again before he finished. Finally, he stood and addressed the people and praised Allah as He deserves it and said: 'The sun and the moon are two signs from among Allah's signs and there is no eclipse due to someone's death or life. If you see them occurring, hurry to pray.'" This is related by alBukhari and Muslim.

Bukhari and Muslim also record that Ibn 'Abbas said: "There was a solar eclipse during the life time of the Prophet sallallahu alehi wasallam and he prayed with a long standing, similar to what it takes to recite alBaqarah. Then, he made a long ruku'. After which, he stood and made another long recital but shorter than the first one. Again he went into ruku', but for a shorter time than in the first one. Following this, he made sajdah [twice]. Next he made another long standing (qiyam) which was also not as long as the first. After that, he made another lengthy ruku' but it was not as long as the first one. Again, he made another long qiyam [and recital] but it was not as long as the first one. After which, he made another lengthy ruku' but it was not as long as the previous one. Following this, he went into sajdah [and so on]. When he had finished, the sun had appeared. He concluded his prayer and said: 'The sun and the moon are two signs from the signs of Allah, and there is no eclipse due to the death or life of anyone. If you see it, make remembrance of Allah.'" Grading these reports, Ibn Abdul Barr says: "These two hadith are the most authentic reports on this topic."

Ibn al-Qayyim observes: "The authentic, clear, and prepondering sunnah concerning salatul kasuf is that the ruku' is to be repeated [twice] in every rak'ah. This is based on the hadith from 'Aishah, Ibn 'Abbas, Jabir, Ubayy ibn Ka'b, 'Abdullah ibn 'Amr ibn al-'Aas, and Abu Musa alAsh'ari. They all report that the Prophet repeated the ruku' in one rak'ah. Those who mention the repeating of the ruku' are more in number, weightier, and closer to the Prophet sallallahu alehi wasallam than those who do not mention it." This is the opinion of Malik, ash-Shaf'i, and Ahmad.

Abu Hanifah is of the opinion that salatul Kasuf consists of two rak'at, similar to salatul 'id and jumu'ah, based on the hadith of An-Nu'man ibn Bashir who says: "The Messenger of Allah sallallahu alehi wasallam prayed the salatul kasuf with us like one of your prayers. He went into ruku' and performed

sajdah, praying two rak'at by two rak'at, and supplicated to Allah until the sun reappeared clearly again."

In the hadith from Qabsah al-Hillali, the Prophet said: "If you see that [i.e., an eclipse], pray as you pray the obligatory prayer." This is related by Ahmad and an-Nasa'i.

The reciting of al-Fatihah is obligatory in each rak'ah, and one may recite whatever one wishes to, after Al-Fatihah. It is allowed to make the recital audible or silent, but al-Bukhari says: "Audible recital is more proper. "

## Fiqh 2.36: The time for al-kasuf is from the beginning of the eclipse until the eclipse finishes

The prayer of the lunar eclipse is similar to that of the solar eclipse. Al-Hassan al-Basri reports: "There was a solar eclipse and Ibn 'Abbas, the governor of Basra, went out and prayed two rak'at with two ruku' in each rak'ah. Then, he mounted his mount and said: 'I prayed as I have seen the Prophet praying.'" This is related by ash-Shaf'i in his Musnad.

## Fiqh 2.36 a: It is preferred to make the takbir, supplications, to give charity, and ask Allah for forgiveness during the eclipse

Al-Bukhari and Muslim record from 'Aishah that the Messenger of Allah said: "The sun and the moon are two signs from among Allah's signs and there is no eclipse due to the life or death of anyone. If you see that [an eclipse] supplicate to Allah, extol His greatness, give charity and pray." They also record from Abu Musa that there was a solar eclipse and the Prophet said: "If you see something of this nature, rush to the remembrance of Allah, supplicating Him and asking His forgiveness."

## Fiqh 2.36 b: Salatul Istisqa, prayer for rain

This prayer is taken recourse to when seeking rain from Allah during times of drought. It may be performed in one of the following manners:

1 The imam prays, with the followers, two rak'at during any time except those times in which it is not desirable to pray. In the first rak'ah, the imam recites al-A'la after al-Fatihah. And in the second rak'ah, he reads al-Ghashiyah after al-Fatihah, and he delivers a khutbah before or after the salah. As soon as he finishes the khutbah, the people present should turn their outer garments around, each placing its left side on his right side and its right side on his left, face the qiblah, supplicate Allah and raise their hands while doing so.

Ibn 'Abbas reports: "The Messenger of Allah went out [to make the salatul istisqa'] wearing old clothes, in a humble and lowly manner, and prayed two rak'at as he prayed the 'id, but he did not give a similar khutbah." This is related by the five. At-Tirmizhi, Abu 'Awanah, and Ibn Hibban grade it sahih.

'Aishah says: "The people complained to the Messenger of Allah about lack of rain, so he gave orders for a pulpit, and when it was set up for him, he appointed a day for the people to gather. He came out on that day when the sun had just appeared and sat down on the pulpit. He extolled Allah's greatness and praised Him. Then he said: 'You have complained of drought in your areas and of delay in receiving rain at the beginning of its season, but you have been ordered by Allah to supplicate Him and He has promised that He would answer your prayers.' Then he said: 'All praise is for Allah, the Compassionate, the Merciful, the King of the Day of Judgment. There is no God but Allah Who does what He wishes. O Allah, there is no God except Thee. You are the Self-sufficient and we are the poor. Send down rain upon us and make it a source of strength for us and satisfaction for us.' He then raised his hands and kept raising them till the whiteness of his armpits could be seen.

After this, he turned his back to the people and inverted his cloak, keeping his hands raised. Finally, he faced the people, descended from the pulpit, and prayed two rak'at. At that time Allah produced a

cloud, thunder, and lightning. And, by Allah's permission, it rained and before he reached the mosque there was flooding. Then he saw how quickly the people were running for shelter, he laughed until his molar teeth could be seen. He said: 'I bear witness that Allah has power over all things and I am Allah's slave and Messenger.'" This is related by al-Hakim who classifies it to be sahih and by Abu Dawud who says: "This hadith is ghareeb and its chain is good."

It is furthermore related from 'Ibad ibn Tamim from his uncle 'Abdullah ibn Zaid al-Mazni that the Prophet sallallahu alehi wasallam went out to pray salatul istisqa' and prayed two rak'at reciting them aloud. This is related by the group. And Abu Hurairah says: "The Prophet of Allah went out one day to make salatul ishtisqa' and prayed two rak'at with us without any azhan or iqamah. Then, he addressed us and supplicated Allah and turned his face toward the qiblah, with his hands raised. Next, he reversed his cloak, placing its left side on his right side and its right side on his left side." This is related by Ahmad, Ibn Majah, and al-Baihaqi.

2 The supplication for rain can also be made on the occasion of salatul jumu'ah. In this case, the imam makes supplications during khutbatul jumu'ah with the people of the congregation saying (Ameen).

Al-Bukhari and Muslim record from Shuraik on the authority of Anas that a man entered the mosque on Friday while the Prophet was addressing the people. The man said: "O Messenger of Allah, our wealth has been destroyed and we have no transport to the market place. Supplicate for us for rain." The Prophet raised his hands and said: "O Allah, give us rain. O Allah, give us rain. O Allah, give us rain." Anas said: "By Allah, at that time there were no clouds in the sky and there was no house or building between us and the mountain. From behind the mountain came a cloud looking like a shield. By the time it reached the middle of the sky, it burst and started to rain. By Allah, we did not see the sun for one week. Then, on the next Friday, a man entered the mosque from that (same) door while the Prophet was making the address. The man faced the Prophet and said: 'Our livestock is dead and the paths are unpassable. Ask Allah to make it stop.' The Prophet raised his hands and said: 'O Allah, around us and not upon us. O Allah, make it upon the hills, small mountains, bottom of the valleys, and plantations.' The rain stopped and we walked out in the sunshine."

3 One may also make a supplication (for rain) without it being Friday and regardless of whether or not the prayer takes place inside or outside the mosque. Ibn Majah and Abu 'Awanah record that Ibn 'Abbas said: "A Bedouin came to the Messenger of Allah and said: 'O Messenger of Allah, I come to you from a people whose shepherds do not have any fodder and whose prize stallion cannot move its tail due to the [drought].' The Prophet mounted the pulpit, praised Allah and said: 'O Allah, give us saving rain which leads to something good and which is productive - a general heavy rain - now and not later.' Then, he descended from the pulpit. People came from every direction saying that it was raining." This is reported by Ibn Majah and Abu 'Awanah and its chain is sound, but Ibn Hajar is silent about it in his Al-Talkhis.

Shurahbil ibn as-Simt said to Ka'b ibn Murrah: "O Ka'b, relate to us something from the Messenger of Allah." Ka'b said: "When a man came and said to the Prophet of Allah, 'Seek rain for the tribe of Muzhar,' I heard the Prophet say: 'You are a bold man. You want me to seek rain for the tribe of Muzhar?' The man said: 'O Messenger of Allah, you have sought victory from Allah and He gave you victory. You supplicated Allah and He answered you.' The Messenger of Allah raised his hands and said: 'O Allah, give us a saving rain, good and productive, general and heavy, now and not later, beneficial and not harmful.' Allah responded to his supplication. It was not long before the people came complaining about the profusion of rain, and damage to their dwellings. The Messenger of Allah raised his hands and said: 'O Allah, around us and not upon us.' The clouds began dispersing left and right." This is related by Ahmad, Ibn Majah, al-Baihaqi, Ibn Shaibah and al-Hakim. The later grades this hadith as hasan sahih and holds that its chain meets the conditions of al-Bukhari and Muslim.

Ash-Sha'biy says: "'Umar went out to make ishsqa' and he did no more than seeking Allah's forgiveness. The people said: 'We did not see you making ishsqa'.' He said: 'I sought rain by what makes it descend (i.e., istighfar or seeking forgiveness of Allah), unlike those (Arabs of days of ignorance) who sought it by the stars of the sky.' Then, he recited the following two 'ayat: 'Seek forgiveness of your Lord. Lo! He is Ever-Forgiving. He will let loose the sky for you in plenteous rain.'

and: 'Ask forgiveness of your Lord, and turn to Him (in repentance): He will send you the skies pouring abundant rain.'" This is related by Abu Sa'id in his Sunan, 'Abdurrazzaq, al-Baihaqi, and Ibn abi Shaibah.

### Fiqh 2.39: Some supplications for rain

The following are some of the supplications that have been transmitted.

Ash-Shaf'i states that it has been related from Salim ibn 'Abdullah, on the authority of his father that the Prophet would say for ishsqa': "O Allah, give us a saving rain, productive, plentiful, general, continuous. O Allah, give us rain and do not make us among the despondent. O Allah, (Your) slaves, land, animals, and (Your) creation all are suffering and seek protection. And we do not complain except to You. O Allah, let our crops grow, and let the udders be refilled. Give us from the blessings of the sky and grow for us from the blessings of the earth. O Allah, remove from us the hardship, starvation,and barrenness and remove the affliction from us as no one removes afflictions save Thee. O Allah, we seek Your forgiveness as You are the Forgiving, and send upon us plenteous rains." Ash-Shaf'i said: "I prefer that the imam would supplicate with that (prayer). "

Sa'd reported that for ishsqa', the Prophet would supplicate: "O Allah, let us be covered with thick clouds that have abundant and beneficial rain, frequently making a light rain upon us and sprinkling upon us with lightning. O Allah, You are full of majesty, bounty and Honour." This is related by Abu 'Awanah in his Sahih.

'Amr ibn Shuaib relates from his father, on the authority of his grandfather, that for istisqa', the Prophet would say: "O Allah, provide water for Your slaves and Your cattle, display Your mercy and give life to Your dead lands." This is related by Abu Dawud.

It is preferred for the one who is making this supplication to raise his hands with the back of his hands toward the sky. Muslim records from Anas that the Prophet would point with the back of his hands during ishsqa '.

It is also preferred, upon seeing the rain, to say: "O Allah, make it a beneficial rain" and he should uncover part of his body to the rain. On the other hand, if one fears that there is too much rain, one should say: "O Allah give us mercy and do not give us punishment, calamaties, destruction or flooding. O Allah, make it upon the woods, farms and trees. Make it around us and not upon us."

All of this is authentic and confirmed from the Prophet sallallahu alehi wasallam.

### Fiqh 2.40: The Prostration During the Qur'anic Recitation

Whoever recites an "'ayyah of prostration (sajdah)" or hears an "'ayyah of prostration" should preferably pronounce the takbir and prostrate and then make the takbir again and rise from the prostration. This is called "the prostration of recital." There is no tashahud or taslim with the sajdah. Naf'i relates that Ibn 'Umar said: "The Prophet would recite the Qur'an to us and when he came to an ''ayyah of sajdah,' he would make the takbir and go into sajdah and we would make the sajdah." This is related by Abu Dawud, al-Baihaqi, and al-Hakim. The later holds it to be sahih according to al-Bukhari's and Muslim's criteria. Abu Dawud says: "Abdurrazzaq said: 'At-Thauri was amazed by that hadith.' He was amazed by it because it mentions the takbir." 'Abdullah ibn Mas'ud said: "If you read an 'ayyah of sajdah', then make the takbir and prostrate. And when you raise your head, make the takbir."

### Fiqh 2.41: Excellence of prostration during the Quranic recitation

Abu Hurairah narrates that the Prophet sallallahu alehi wasallam said: "If a son of Adam recites an 'ayyah of prostration and prostrates, the Satan departs from him and cries: 'O woe, he was ordered to prostrate and he did, so for him is paradise. I was ordered to prostrate and I disobeyed, so for me is the Hell.'"

## Fiqh 2.41 a: Ruling concerning prostration during the Quranic recitation

The majority of the scholars say that prostrations for the "'ayyat of sajdah" are sunnah for the one who recites the 'ayyah and for the one who hears it. This is based on what al-Bukhari recorded from 'Umar who recited an-Nahl upon the minbar one Friday, until he came to the "'ayyah of sajdah," and he descended from the pulpit and prostrated along with the people. On the next Friday, he recited the same and when he came to the 'ayyah of sajdah, he said: "O people, we have not been ordered to prostrate. Whoever does so has acted correctly, while, there is no sin upon one who does not do so." In another narration it is stated: "Allah has not forced upon us the sajdah but if one wishes to do so (he may make a prostration.)"

In addition, the group, except for Ibn Majah, records that Zaid ibn Thabit said: "I recited an-Najm to the Prophet sallallahu alehi wasallam and he did not prostrate during it." Ad-Daraqutni records it and observes: "None of us prostrated during it."

Ibn Hajar al-Asqallani says that the strongest opinion is that he left it to show that it is permissible not to do it. Shaf'i holds a similar view. This opinion is supported by what is recorded by al-Bazzar and adDaraqutni from Abu Hurairah who says: "The Prophet sallallahu alehi wasallam recited an-Najm and prostrated and we prostrated with him." (In Fath al-Bari, Ibn Hajar holds that its narrators are trustworthy.) Ibn Mas'ud moreover reported that the Prophet sallallahu alehi wasallam recited anNajm and prostrated, and all of the people with him prostrated, save one old man from the Quraish who simply lifted some pebbles or dirt to his forehead and said: "That is sufficient for me." Ibn Mas'ud said: "After [some time] I found that he was killed while still an unbeliever." This is recorded by al-Bukhari and Muslim.

## Fiqh 2.42: The "ayyah of prostration"

There are fifteen places in the Qur'an at which one is to prostrate. 'Amr ibn al-'Aas relates that the Prophet sallallahu alehi wasallam recited fifteen 'ayyat of prostration in the Qur'an, three coming from the Mufassal and two from surah al-Hajj. This is related by Abu Dawud, Ibn Majah, al-Hakim, and ad-Daraqutni. Al-Munzhiri and an-Nawawi say it is hasan. The fifteen 'ayyat are:

1 "Lo! Those who are with thy Lord are not too proud to do Him service, but they praise Him and prostrate to Him" (al-A'raf 206).

2 "And unto Allah falls prostrate whoever is in the heavens and the earth, willingly or unwillingly, as do their shadows in the morning and the evening hours" (ar-Ra'd 15).

3 "And unto Allah does whatever is in the heavens and whatever is in the earth of living creatures make prostration, and the angels (also) and they are not proud" (an-Nahl 49).

4 "Say: Believe therein or believe not, lo! Those who were given knowledge before it, when it is read unto them, they fall down prostrate on their faces, adoring" (al-Isra' 107).

5 "When the revelations of the Beneficent were recited unto them, they prostrated, adoring and weeping" (Maryam 58).

6 "Haven't you seen that unto Allah prostrates whoever is in the heavens and whoever is in the earth, and the sun, and the moon, and the stars, and the hills, and the trees, and the beasts, and many of mankind, while there are many unto whom the doom is justly due. He whom Allah scorns, there is none to give him honor. Lo! Allah does what he wills" (al-Hajj 18).

7 "O you who believe, bow down and prostrate yourselves, and worship your Lord and do good, that you may prosper" (al-Hajj 77).

8 "And when it is said unto them: 'Prostrate unto the Beneficent,' they say: 'And what is the Beneficent'? Are we to prostrate to whatever you bid us?' And it increases aversion in them" (al-Furqan 60).

9 "So they prostrate not to Allah! [He] who brings forth the hidden in the heavens and the earth. And He knows what you hide and what you proclaim" (an-Naml 25).

10 "Only those who believe in Our revelations who, when they are reminded of them, fall down prostrate and hymn the praise of their Lord and who are not scornful" (as-Sajdah 15).

11 "And David guessed that we had tried him, and he sought forgiveness of his Lord, and he bowed himself and fell down prostrate and repented" (Sad 24).

12 "And of His portents are the night and the day and the sun and the moon. Prostrate not to the sun or the moon, but prostrate unto Allah who created them, if it is Him you worship" (Ha-Mim 37).

13 "Rather prostrate before Allah and serve Him" (an-Najm 62).

14 "And, when the Qur'an is recited unto them, they do not prostrate (unto Allah)" (al-Inshiqaq 21).

15 "But prostrate yourself and draw near (unto Allah)" (al-'Alaq 19).

## Fiqh 2.43: The conditions for Prostration of Recital

The majority of the scholars lay down the same conditions and prerequisites for the prostration of recital as they do for the salah, with respect to purity, facing the qiblah, and covering the 'aurah. Ash-Shaukani says: "There is no hadith concerning prostrations of recital which proves that to prostrate one must be in a state of purity [free from major or minor defilements]. The people who were with him [the Prophet] prostrated with him and he did not order any of them to perform ablution, and it is hard to believe that they all were in a state of purity. Furthermore, the polytheists prostrated with him and they are impure, and their ablution would not be acceptable. Al-Bukhari relates from Ibn 'Umar that he would prostrate even when not free of minor impurities. Ibn Abi Shaibah recorded the same from him. As for the report from al-Baihaqi, (with a chain that Ibn Hajar calls sahih), which says: 'A man is not to prostrate unless he is in a state of purity.' These reports can be reconciliated by Ibn Hajar's statement that this (either) refers to a major defilement or when an option is available, whereas in the first case it depends on (presence of defilement and) the need to wash. Similarly, there is no hadith which states that the clothes or place need to be pure. Concerning covering the 'aurah and facing the qiblah if possible, there is no disagreement.

Ibn Hajar said in Fath al-Bari: "No one agrees with Ibn 'Umar that one may make the sajdah without being clean of minor impurities, save ashSha'biy. Ibn Abi Shaibah related it from him with a sahih chain. He also recorded from Abu 'Abdurrahman as-Salmi that he would recite an 'ayyah of sajdah and then he would prostrate without ablution or facing the qiblah and while walking and just motioning only. Some among the Prophet's household agree with Ibn 'Umar.

## Fiqh 2.44: Supplications during the prostration

Whoever makes this prostration may supplicate whatever he wishes. There is nothing authentic from the Prophet sallallahu alehi wasallam on this point except for the hadith from 'Aishah who said: "When the Prophet made the sajdah of the Qur'anic recital, he would say: 'I have prostrated my face to the One Who created it and brought forth its hearing and seeing by His might and power. Blessed be Allah, the best of Creators.'" This is related by the five, except Ibn Majah, and al-Hakim. At-Tirmizhi and Ibn as-Sakan grade it sahih. The later however adds that at the end the Prophet would say, three times, what he always said in his sujjud: "Glory be to my Lord, the Most High," that is, if he was making the sujjud of recital during a prayer.

## Fiqh 2.44 a: Prostration of recital during the prayers

It is allowed for the imam or the one praying individually to recite "'ayyah of sajdah" during the salah, even if the recital is audible (jahriyyah) or inaudible (siriyyah), and he should prostrate, during the salah, after reading such 'ayat. Al-Bukhari and Muslim record from Abu Raf'i who said: "I prayed salatul 'isha with Abu Hurairah and he recited Izhas-sama'u un-shaqqat [al-Inshiqaq] and he prostrated during the prayer. I asked: 'O Abu Hurairah, what prostration is this?' he said: 'I made a prostration when reciting (this surah) behind Abu al-Qasim (Prophet), and since then I never stopped making a sajdah whenever I recite it.'" Al-Hakim relates, from Ibn 'Umar, with a sound chain that meets the criteria of al-Bukhari and Muslim, saying that the Prophet sallallahu alehi wassalam made a sajdah during the first rak'ah of the noon prayer and his companions were of the opinion that he had recited surah as-Sajdah.

An-Nawawi says: "It is not disliked for the imam to recite 'ayat of sajdah, according to our school, or for the one who prays individually. And it does not matter if the recital is audible or inaudible. And he should make sajdah after he recites them."

Malik holds: "In general it is disliked." Abu Hanifah's opinion is that: "It is disliked during the silent recitals but not during the audible recitals." The author of al-Bahr maintains: "According to our school, it is preferred to delay the sajdah until after he [the imam] makes the taslim in order not to confuse the people praying behind him."

## Fiqh 2.45: Combining a number of sujjud

One may combine a number of sujjud and make only one sajdah if one recites an "'ayyah of sajdah" over and over, or one hears it being recited over and over, provided one delays the sajdah until all the recitals are finished. Some say that if one prostrates after the first recital, it will be sufficient. Others hold that one should prostrate again since the cause for the prostration is reintroduced.

## Fiqh 2.45 a: Performing sajdah after recital

The majority of the scholars are of the opinion that the sajdah is to be performed right after the recital or hearing of the 'ayyah. Delaying such a sajdah does not rescind it. If an extended period of time lapses between recitation of an 'ayah and the actual sajdah, one need not do it, for it does not have to be made up for.

## Fiqh 2.45 b: The Prostration of Thankfulness (Sajdat ush-Shukr)

The majority of the scholars say that it is preferred to make prostrations of thankfulness (shukr) when one receives a bounty or is rescued from some trial. Abu Bakr reports that, when the Prophet sallallahu alehi wasallam received something which pleased him or some glad tidings, he would make the sajdah in thanks to Allah. This is related by Abu Dawud, Ibn Majah, and at-Tirmizhi who says it is hasan.

And al-Baihaqi records, with a chain that meets al-Bukhari's conditions, that when 'Ali wrote to the Messenger of Allah, informing him that Hamazhan had embraced Islam, the Prophet prostrated, and when he raised his head, he said: "Peace be upon Hamazhan, peace be upon Hamazhan."

'Abdurrahman ibn 'Auf relates that the Messenger of Allah went out once and he followed him until he entered a grove of palm trees and prostrated. His prostration was so long that 'Abdurrahman feared that Allah had taken his soul. 'Abdurrahman came to look at him and he raised his head and said: "What is wrong, Abdurrahman'?" Abdurrahman mentioned what had happened, and he said: "Gabriel alehi as-salam came to me and said: 'Shall I not give you glad tidings'? Allah says to you, Whoever prays upon you, I pray upon him. Whoever salutes you, I salute him.' Therefore, I prostrated to Allah in thanks." This is related by Ahmad and by AlHakim who says: "It is sahih according to the criterion of al-Bukhari and Muslim. And I do not know anything more authentic than that."

Al-Bukhari records that Ka'b ibn Malik made a sajdah when he received the news that Allah had

accepted his repentance. Ahmad records that 'Ali performed the sajdah when he heard the news that Zhul-Thudayyah of the Khawarij was killed. Also, as mentioned before, Sa'id ibn Mansur recorded that Abu Bakr made sajdah in thankfulness when Musailimah was killed.

The prostration of thankfulness is bound by the same requirements as the prostration in prayer, while some disagree as it is not a prayer. The author of Fath al-'Alam remarks: "This latter opinion is closer to being correct." Ash-Shaukani said: "There is nothing in the hadith to prove that ablution and purity of the clothes and place are required for sajdat-ushshukr. And that is the opinion of Imam Yahya and Abu Talib. And these hadith are silent about any takbir being made with the prostration. In alBahr it is stated that there is a takbir. Imam Yahya says: 'One is not to make the prostration of thankfulness during a prayer as it is not part of the prayer.'"

## Fiqh 2.46: Prostrations of forgetfulness during the prayer

It is confirmed that the Prophet sallallahu alehi wasallam sometimes forgot something in the salah. It is also true that he said: "I am a human being and forget like you forget. If I forget, remind me." There are specific points concerning such prostrations and they are presented below.

## Fiqh 2.46 a: How to perform these prostrations of forgetfulness

The "prostrations of forgetfulness" (sujjud us-sahu) are two prostrations which a person makes before the taslim. All of this has been confirmed from the Prophet sallallahu alehi wasallam. In the sahih, it is recorded from Abu Sa'id al-Khudri that the Prophet said: "If one of you has some doubts during his salah and he does not recall (the number of rak'at) he has prayed, three or four, then he can put an end to his doubt by performing salah according to what he was certain of [the lesser amount] and then making two sujjud before the taslim." In the story of Zhul-Yadain, in the two Sahihs, we are told the Prophet sallallahu alehi wassalam made the prostrations after the taslim.

Ash-Shaukani says: "The best that is stated on this subject is that one must follow what the Prophet said or did, respecting the sujjud before or after the taslim. If one does something that necessitates sujjud before the taslim, one should make them before the taslim, and if one does something requiring sujjud after the taslim, then one should make them after the taslim. As for those acts of forgetfulness that are not related to any specific time either before or after the taslim, one may choose to make the prostrations before or after the taslim in cases of addition or reduction in the salah. This is based on what Muslim recorded in his Sahih from Ibn Mas'ud that the Prophet sallallahu alehi wasallam said: 'If one adds or decreases something from his salah, he should make two sujjud.'"

## Fiqh 2.47: When to perform these prostrations of forgetfulness

The "sujjud us-sahu" are to be performed in the following circumstances:

1 If a person makes the taslim before he actually completes the prayers. Ibn Sireen relates from Abu Hurairah who said: "The Prophet sallallahu alehi wasallam prayed either zuhr or 'asr salah with us and he prayed only two rak'at and made the taslim. He got up and leaned against a piece of wood in the mosque as if he was angry. He put his right hand on his left and interlocked his fingers. Then, he placed his cheek on the back of his left hand. And some people left the mosque in a hurry. And they said: 'The prayer has been shortened?' Among the people were Abu Bakr and 'Umar, and they were shy to speak to him. One of the people, who was called Zhul-Yadain, said: 'O Messenger of Allah have you forgotten or has the prayer been shortened?' He answered: 'I have not forgotten and it has not been shortened.' Then he asked: 'Is it as Zhul-Yadain has said?' The people answered in the affirmative...At that, he led the people in what he had ommitted and made the taslim. After which he made the takbir and prostrated the way he usually prostrated or perhaps even longer. Next, he raised his head and made the takbir. Then, he made the takbir [again] and prostrated, like one of his customary sujjud or perhaps even longer, and finally, he raised his head." This is related by al-Bukhari and Muslim.

'Ata' relates that Ibn az-Zubair prayed maghrib and made the taslim after two rak'at and then he stood

up and wanted to kiss the black stone, when the people tried to correct him he said: "What is the matter with you?" Then he prayed what he had left out and performed two sujjud. When this was mentioned to Ibn 'Abbas, he said that it was not far from the sunnah of the Prophet sallallahu alehi wasallam. This is related by Ahmad, al-Bazzar, and at-Tabarani.

2 In the case of an addition to the prayer. Ibn Mas'ud narrates that the Prophet prayed five rak'at and the people asked him: "Has there been an addition to the prayer?" He asked: "Why do you say that?" They replied: "You prayed five rak'at" Then he made two sujJud after he had made the taslim. This is related by the group. This hadith proves that the prayer of one who prays five rak'at out of forgetfulness, without sitting during the fourth rak'ah, is acceptable.

3 In the case of forgetting the first tashahud or one of the other sunnah acts of the prayer. Ibn Buhainah narrates that the Prophet stood after two rak'at. The people tried to correct him but he continued. When he finished his salah, he made two sujjud and made the taslim. This is related by the group.' This hadith shows that one who forgets the first sitting but is reminded of it and he recalls it before he completely stands should return and sit, but if he is already completely standing, he should not sit down. This is supported by what Ahmad, Abu Dawud, and Ibn Majah recorded from al-Mughirah ibn Shu'bah, that the Prophet sallallahu alehi wasallam said: "If one of you stands after two rak'at and he has not completely stood, then he should sit. If he is already completely standing, he should not sit and he should make two sujjud of forgetfulness."

4 In the case of doubt over whether or not one performed some act of the prayer. 'Abdurrahman ibn 'Auf reported that he heard the Prophet say: "If one of you has some doubt during his salah and he does not know if he prayed one rak'ah or two, he should take it to have been just one. If he does not know if he prayed two rak'at or three, he should take it to have been just two. If he does not know if he prayed three rak'at or four, he should take it to have been just three. [In all such cases] at the end of his prayer, while sitting, he should make two sujjud before the taslim." This is related by Ahmad, Ibn Majah, and at-Tirmizhi. The latter grades it sahih.

In one narration, it is stated: "Whoever prays and has some doubt that he was short of the complete prayer, he should continue praying until he suspects that he has added something to the prayer [with respect to the number of rak'at that he has prayed]." Abu Sa'id al-Khudri narrated that the Prophet sallallahu alehi wasallam said: "If one of you has some doubts during his prayer and does not know if he prayed three or four [rak'at], then he should remove his doubt by praying according to the amount that he is certain he had performed and then make two sujjud before the taslim. If he had prayed five rak'at, the two sujjud would make it even. If he had prayed a complete four rak'at [when he had finished], they would be in defiance of the Satan." This is related by Ahmad and Muslim. These two ahadith prove what the majority of the scholars have said, namely, if one has some doubt concerning the number of rak'at one has prayed, one should act according to the amount that one is certain to have prayed (the lesser amount) and then make two sujjud before the taslim.

## Fiqh 2.49: Congregational Prayer

Performing the prayers in congregation is a sunnah mu'akkadah. Many ahadith discuss the superiority and excellence of prayers in congregation. Such ahadith include the following:

Ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "Prayer in congregation is superior to a prayer performed individually by twenty-seven degrees." This is related by al-Bukhari and Muslim.

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "The prayer of a man in congregation is twenty-five times more superior (in reward) to his prayer in his house or market - and this is because he makes the wudu' and perfects it and goes to the mosque with the sole purpose of performing the salah. He does not take a step without being raised a degree and having one of his sins erased. When he prays, as long as he does not lose his wudu, the angels keep on praying [for him] 'O Allah, bless him. O Allah, have mercy on him.' And he is considered in salah as long as he is waiting for the salah." This is related by al-Bukhari and Muslim, and it is presented in al-Bukhari's wording.

Abu Hurairah also reports that a blind man said to the Prophet: "O Messenger of Allah, I have no guide to guide me to the mosque." He asked the Prophet sallallahu alehi wasallam for permission to pray in his house and the Prophet gave it to him. Then, when he turned to go, the Prophet called him and said: "Do you hear the call to prayer?" The blind man said "yes." The Prophet then said: "Then respond to it!" [by coming to the mosque.] This is related by Muslim.

Abu Hurairah also reports that the Prophet sallallahu alehi wasallam said: "By Him in whose hand is my soul! I have considered ordering a fire to be kindled and then ask someone to lead the people in salah. And then go to the men [who did not attend the prayer] and burn their houses over them." This is related by al-Bukhari and Muslim.

'Abdullah ibn Mas'ud says: "If anyone would like to meet Allah tomorrow as a Muslim, he should persevere in abserving these five prayers whenever the call for them is made, for Allah has chosen for your Prophet the way of right guidance. And the [five prayers in congregation] are part of this right guidance. If you were to pray them in your houses, as this man who stays behind in his house, you would be leaving a sunnah of your Prophet. If you leave the sunnah of your Prophet, you would go astray. Verily, I have seen a time when no one stayed away from them [the congregational prayers] except for the hypocrites who were well known for their hypocrisy. A man would be brought, supported by two people [due to his weakness] until he was placed in a row." This is related by Muslim.

Abu ad-Darda' reports that the Messenger of Allah sallallahu alehi wasallam said: "If there are three men in a village or desert and salah is not established among them, then the Satan takes mastery over them. So be with the congregation since the wolf devours the remote (stray) sheep." This is related by Abu Dawud with a hasan chain.

### Fiqh 2.50: Women and congregational prayers

It is better for women to pray in their houses than to attend congregational prayers. However, they may go to the mosque and attend the congregational prayer if they avoid wearing or using any attractive or tempting adornment or perfume.

Ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "Do not prevent the women from going to the mosques, although their houses are better for them." Abu Hurairah relates that the Prophet said: "Do not keep the slave girls of Allah from the mosques of Allah. And they are to go out unperfumed." These two ahadith were related by Ahmad and Abu Dawud. Abu Hurairah also reports that the Prophet said: "Any woman who uses some scent should not be present with us during the night prayer." This is related by Muslim, Abu Dawud, and an-Nasa'i with a hasan chain.

As stated earlier, it is better for women to pray in their houses. Ahmad and at-Tabarani record that Umm Humaid as-Sa'diyah came to the Messenger of Allah and said: "O Messenger of Allah, I love to pray with you." The Prophet said: "I am aware of that, but your salah in your residence is better for you than your salah in your people's mosque. And your salah in your people's mosque is better than your salah in the [larger] congregational Mosque."

### Fiqh 2.51: Praying at a larger and more distant mosque

It is preferable to pray in a mosque that is farther away and that has a larger congregation.

Muslim records from Abu Musa that the Prophet sallallahu alehi wasallam said: "The one who gets the greatest reward for a prayer is the one who walks the farthest distance." Muslim also records that Jabir said: "The area around the mosque became vacant and the tribe of Salamah wanted to move there. When this news reached the Messenger of Allah, he said: 'It has reached me that you want to move closer to the mosque?' They said: 'Yes, O Messenger of Allah, we desire that.' The Prophet said: 'O tribe of Salamah, your dwellings will record your steps.'" Al-Bukhari, Muslim, and others have recorded this on the authority of Abu Hurairah.

Ubayy ibn Ka'b reported that the Prophet sallallahu alehi wasallam said: "The salah of a man with another man is purer than the salah of a man by himself. [In the same way,] his salah with two men is purer than his salah with only one man, and what is more, it is most dear to Allah." This is related by Ahmad, Abu Dawud, an-Nasa'i, Ibn Majah and Ibn Hibban. Ibn as-Sakin, al-'Uqaily and al-Hakim classify it as sahih.

### Fiqh 2.51 a: Going to the mosque with calm and dignity

It is preferred for one to walk to the mosque with calm and dignity and not in a hurry or rushing. This is because the person is considered to be in prayer when he is going to the salah (and also while he is waiting for it). Abu Qatadah says: "We were praying with the Prophet sallallahu alehi wasallam when we heard the clamoring of some men. When they had prayed, the Prophet inquired: 'What was the matter with you?' They answered: 'We were hurrying for the salah.' He said: 'Do not do that...when you come to the salah come in peace and calm, and pray what you can with congregation and complete what you have missed.'" This is related by al-Bukhari and Muslim.

Abu Hurairah narrates that the Prophet sallallahu alehi wasallam said: "When you hear the iqamah, proceed to the prayer with calm and dignity and do not rush. Pray what you can (with congregation) and complete what you miss." This is related by the group except for at-Tirmizhi.

### Fiqh 2.51 b: The imam should be "easy" on his followers

Abu Hurairah reports that the Prophet said: "If one of you leads the people in prayer, he should be "easy," on them for among the people are the weak, sick, and aged. If one prays by himself, one may make it as long as one wishes." This is related by the group. It is narrated from Anas that the Prophet sallallahu alehi wassalam said: "Sometimes I enter prayer and I intend to prolong it, but then I hear a child crying, and I shorten my prayer thinking of the distress of the child's mother."

Al-Bukhari and Muslim record that Anas said: "I have not prayed behind anyone who prayed a lighter salah or a more complete prayer than that of the Prophet sallallahu alehi wasallam." Abu 'Umar ibn Abdul Barr said: The scholars agree that it is preferable for an imam to make the prayer light while preserving the minimum without which salah is incomplete and without leaving off any part of the salah or shortening part of it [not performing it properly]. The Prophet sallallahu alehi wasallam prohibited the pecking like a crow. Once he saw a man who did not complete his ruku' and he told him: 'Go back and pray for you have not prayed.' And he said: 'Allah does not look to one who does not straighten his back during ruku' and sujjud.' I do not know of any difference of opinion among the scholars concerning the fact that it is preferred for an imam to be 'easy' on his followers while making the prayer properly. It is related that 'Umar said: 'Do not make people dislike Allah, by making the salah so long that it should become hard on those praying behind you."'

### Fiqh 2.52: The imam may prolong the first rak'ah to allow others to join

It is permitted for the imam to prolong the first rak'ah while waiting for others to join the congregation. In the same way, it is preferred for him to wait for people who are coming during the bowings and during the final sitting.

Abu Qatadah reports that the Prophet sallallahu alehi wasallam would prolong the first rak'ah and the people suspected that he did it to allow the late-comers to join the first rak'ah. Abu Sa'id says: "If the (congregational) salah was begun, one could go to al-Baqi', relieve himself, make wudu', and return and find the Prophet still in the first rak'ah for he would prolong it (first rak'ah)." This is related by Ahmad, Muslim, Ibn Majah, and an-Nasa'i.

### Fiqh 2.52 a: It is obligatory to follow the imam and forbidden to precede him

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "The imam is selected to be followed; therefore, do not differ with him. When he makes the takbir, make the takbir, when he goes

into ruku', make ruku'. When he says 'Allah hears him who praises Him,' say 'O Allah, our Lord, to You belongs the Praise.' When he goes into sajdah, make sajdah. If he prays sitting, then all should be sitting." This is related by the group. In the version by Ahmad and Abu Dawud, the wording is "the imam is to be followed. If he makes the takbir, make the takbir, and do not make the takbir until he does so. When he goes into ruku', make ruku', and do not perform ruku' until he does so. When he goes into sajdah, make sajdah, and do not make sajdah until he does so."

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "Do you not fear that if you raise your head before the imam Allah may change your head into that of a donkey!" This is related by the group.

Anas reports that the Messenger of Allah sallallahu alehi wasallam said: "O people, I am your imam, so do not precede me in ruku' or in sujjud or in qiyam or in sitting or in finishing." This is related by Ahmad and Muslim .

Al-Bara' ibn 'Azib says: "We prayed with the Messenger of Allah and when he said 'Allah hears him who praises Him,' none of us would bend his back until the Messenger of Allah had put his forehead upon the ground." This is related by the group.

## Fiqh 2.53: Consitution of a congregation

One person with the imam would constitute a congregation even if the other person is a child or a woman.

Ibn 'Abbas says: "I stayed with my Aunt Maimunah and the Prophet sallallahu alehi wasallam got up to pray during the night. I got up to pray with him and stood on his left and the Prophet took me by my hand and put me on his right side."

Sa'id and Abu Hurairah both report that the Prophet sallallahu alehi wasallam said: "Whoever gets up during the night and wakes up his spouse and they pray two rak'at together, they both will be recorded among those (men and women) who remember Allah much." This is related by Abu Dawud . Abu Sa' id narrates that a man entered the Mosque, and the Prophet and his companions had already prayed. The Prophet sallallahu alehi wasallam said: "Who will give charity to him by praying with him?" So, a man from the people stood and prayed with him. This is related by Ahmad, Abu Dawud, and at-Tirmizhi who calls it hasan. Ibn Abi Shaibah relates that it was Abu Bakr who stood and prayed with the man. At-Tirmizhi uses this hadith as proof that a group can pray in congregation in a mosque in which the congregational prayer had already been made. He says that this is the opinion of Ahmad and Ishaq. Other scholars say that they should each pray individually and this is the opinion of Sufyan, Malik, Ibn al-Mubarak and ash-Shaf'i.

## Fiqh 2.54: An imam may change his place and become a follower

If the regular imam or appointed imam is not present, it is permissible to appoint someone else to perform the duty of imam. If the regular imam appears during the prayers, the substitute imam may move back to the rows and allow the regular imam to take over. Al-Bukhari and Muslim record that Sahl ibn Sa'd said: "The Messenger of Allah sallallahu alehi wasallam went off to take care of the affairs of the tribe of 'Amr ibn 'Auf. The time for salah came and the mu'azhzhin went to Abu Bakr and said: 'Will you lead the people in salah and I shall make the iqamah?' Abu Bakr agreed. [While he was] leading the prayer, the Messenger of Allah appeared and joined the rows. The people clapped [their thighs with their hands] but Abu Bakr would not turn around during the prayer. When most of the people began clapping, he turned and saw the Prophet...[who] pointed to Abu Bakr to stay in his place. Abu Bakr raised his hands and praised Allah because of what the Prophet had told him. Then, Abu Bakr moved back until he joined the rows and the Prophet stepped forward [to lead]. After he had prayed, he went to Abu Bakr and said: O Abu Bakr, what prevented you from staying there when I told you to do so?' Abu Bakr said: 'It is not fit for the son of Abu Quhafah to lead the Prophet in prayer.' Then the Messenger of Allah said: 'Why did I see most of you clapping? If you find something in the prayer you should say subhanallah, for when you say it, it will attract his (i.e. imam's) attention and clapping

[thighs with hands] is for the women.'"

## Fiqh 2.54 a: Catching up with imam or the congregation

Whoever joins a congregation, he should perform the opening takbir while standing and then move directly to the act that the congregation may be performing, for instance, if the congregation is prostrating one should perform the opening takbir and then join it in the prostration. However, such a person is not considered as having performed the rak'ah unless he performs the ruku' (bowing), even if he just bows and puts his hands on his knees, when the imam is finishing his ruku'.

Abu Hurairah reports that the Messenger of Allah sallallahu alehi wasallam said: "If you come to the salah and we are in sajdah, then make sajdah with us but do not count it [as a rak'ah]. And whoever 'catches' the ruku', he catches the salah." This is related by Abu Dawud, Ibn Khuzaimah in his Sahih, and by al-Hakim, who considers it sahih, in his Al-Mustadrak.

## Fiqh 2.55: When it is permissible to not attend Congregation

Ibn 'Umar narrated that the Prophet ordered the mu'azhzhin to say: "Pray in your places," on a cold, stormy night during a journey. This is related by alBukhari and Muslim.

Jabir said: "We went on a journey with the Prophet and it rained upon us, so he said: 'Whoever wishes may pray in his stopping place.'" This is related by Ahmad, Muslim, Abu Dawud, and at-Tirmizhi.

Ibn 'Abbas said to the mu'azhzhin, on a rainy day: "When you say 'I bear witness that Muhammad is the Messenger of Allah,' do not say 'Come to the prayer,' but instead say 'Pray in your houses."' The people didn't seem to like it, so he asked: "Are you surprised by that? One better than me did it [the Prophet]. The congregational prayer is a strict order but I hated that you should go out and walk in the mud and on slippery ground." This is related by al-Bukhari and Muslim. According to Muslim's version, this occurred on a Friday.

What applies in case of cold would also apply in cases of extreme heat, darkness, and fear of an oppressor. Ibn Batal writes: "The scholars are agreed on the permissibility of not attending the congregation due to heavy rain, darkness, wind, and so on."

Ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "If the food is presented to one of you, do not rush but fulfill your need of it even if the salah has begun." This is related by al-Bukhari.

'Aishah narrates that she heard the Prophet sallallahu alehi wasallam say: "There is no prayer when the meal is presented nor when one needs to answer the call of nature." This is related by Ahmad, Muslim, and Abu Dawud.

Abu ad-Darda' says: "It is a sign of the understanding of a person that he fulfills his needs first in order to make his prayer with a clear mind." This is related by al-Bukhari.

## Fiqh 2.56: The one who should be imam is the one who is the most versed in the Qur'an

If two or more are equal in this, then it is the one who has the most knowledge of the sunnah. If they are equal in that, then it is the one who performed the migration first. If they are equal in that, then it should be the eldest.

Abu Sa'id narrates that the Prophet said: "If you are three in number, then one of you should be the imam. And the one who has the most right to it is the one who is the most versed in the Qur'an." This is related by Ahmad, Muslim, and an-Nasa'i. The meaning of "most versed in the Qur'an" is the one who has more of the Qur'an memorized. This interpretation is based on the hadith from Amr ibn Salamah which says: "Your imam should be the one who is most versed in the Qur'an."

Ibn Mas'ud reports that the Prophet sallallahu alehi wasallam said: "The imam of a people should be the one who is the most versed in the Book of Allah. If they are equal in their recital, then the one who is most knowledgeable of the sunnah. If they are equal in the sunnah, then [it is] the one who migrated first. If they are equal in that, then [it is] the eldest. And no man should be an imam for another man if the other holds authority [i.e., a leader in any capacity or ruler of the Muslim people]. And one should not occupy his place of honor in his house without his permission." In another narration it is stated: "No man should be the imam for another while with the other's family or where the other is in authority." This is related by Ahmad and Muslim.

As stated earlier, it is better for women to pray in their houses. Ahmad and at-Tabarani record that Umm Humaid as-Sa'diyah came to the Messenger of Allah and said: "O Messenger of Allah, I love to pray with you." The Prophet said: "I am aware of that, but your salah in your residence is better for you than your salah in your people's mosque. And your salah in your people's mosque is better than your salah in the [larger] congregational Mosque."

Sa'id ibn Mansur says: "A person should not be an imam for another where the other is in authority except with his permission." The meaning of this is that the one in authority, owner of a house, leader of a meeting, and so on, has more right than others to be the imam if he has not granted the permission to any of the others. Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "It is not allowed for a man who believes in Allah and the last day to be an imam for a people, except with their permission, nor may he specifically make supplications for himself without including them. If he does so, he is disloyal to them." This is related by Abu Dawud.

### Fiqh 2.56 a: Whose imamate is acceptable

The imamate of all the following is acceptable: a discerning boy, a blind person, a standing person for those who are sitting, a sitting person for those who are standing, a person praying fard for people who are praying nafl, a person praying nafl for people who are praying fard. Likewise, a person who has performed ablution can be imam for people who have performed tayammum, as can be a person who has performed tayammum for people who have performed ablution, a traveler for the resident, a resident for the travelers, and a less qualified person for people who are more qualified.

'Amr ibn Salamah led his people in salah while he was six or seven years old. The Messenger of Allah sallallahu alehi wasallam twice appointed Ibn Umm Maktum, a blind man, to lead the people of Medinah in prayer. The Messenger of Allah, during his last illness, prayed behind Abu Bakr in a sitting position. And he prayed in his house in a sitting position while those behind him were standing. He pointed to them to sit and when he had finished the prayer he said: "The imam has been appointed to be followed. If he goes into ruku', then make ruku'. When he raises his head, raise your head. If he prays sitting, then pray sitting behind him."

Mu'azh would pray 'isha with the Prophet sallallahu alehi wasallam and then return to his people and lead them in the same prayer, it being nafl for him and fard for the others.

Muhjan ibn al-Adra' reports: "I came to the Messenger of Allah in the mosque and they prayed and I did not. He said to me: 'Why didn't you pray?' I said: 'O Messenger of Allah, I prayed in my place and then came here.' He then said: 'When you come [to the mosque], pray with them and make it supererogatory.'"

The Messenger of Allah saw a man praying by himself and said: "Who will give charity to this person by praying with him?" 'Amr ibn al-'Aas led others in prayer when he had made tayammum only and the Prophet approved of it.

The Prophet sallallahu alehi wasallam, after the conquest of Makkah, led the people in prayer by praying two rak'at (except for maghrib) and said: "O people of Makkah, stand and pray the last two rak'at as we are travelers."

If a traveler prays behind a resident, he must complete the whole four rak'at even if he only prayed part of a rak'ah behind the resident imam. Ibn 'Abbas was asked: "Why is the traveler to pray two rak'at if he prays by himself and four rak'at if he prays behind a resident?" He answered: "That is the sunnah." In another version, Musa ibn Salamah said to him: "If we pray with you, we pray four rak'at otherwise we pray two?" He told him: "That is the sunnah of Abu al-Qasim [the Prophet]." This is related by Ahmad.

### Fiqh 2.57: Whose imamate is not acceptable

It is not allowed for one who has a health problem which does not allow him to remain in a state of purity to be an imam for others who do not have such a problem. This is the opinion of the majority of the scholars. According to the Maliki school, such a person's imamate will be valid, but it is disliked to make such a person the imam.

### Fiqh 2.58: It is preferred to have a woman imam for women

'Aishah used to lead the women in salah and stand with the women in the middle of the first row. Umm Salamah would also do so. The Prophet sallallahu alehi wasallam appointed Waraqah to go and make the azhan for her while he instructed her to lead the women of her household in the obligatory prayers.

### Fiqh 2.58 a: A man leading a group of women in prayer

Abu Ya' la and at-Tabarani, in al-Ausat, record, with a hasan chain, that Ubayy ibn Ka'b came to the Messenger of Allah and said: "O Messenger of Allah, I did something last night." The Prophet asked: "What was that?" He said: "The women in my house said, 'You recite and we do not recite so lead us in salah. ' So I prayed eight rak'atand witr (with them)." The Prophet remained silent, and Ka'b said: "We took his silence as a sign of his approval."

### Fiqh 2.58 b: Evildoer or innovator forbidden to lead prayer

Al-Bukhari records that Ibn 'Umar prayed behind al-Hajjaj. Muslim records that Abu Sa'id al-Khudri prayed salatul 'id behind Marwan.

Ibn Mas'ud once prayed four rak'at of fajr, behind al-Walid ibn 'Uqbah ibn Abu Ma'it who used to drink wine, and 'Uthman ibn 'Affan had him flogged. The companions and their successors prayed behind Ibn 'Ubaid who was accused of propagating heresies. According to the scholars, anyone whose prayer is valid on an individual basis, his imamate is also valid for others. However, they dislike to pray behind an evildoer or innovator.

As-Sa'ib ibn Khilad relates that a man was leading the people in salah and he spat in the direction of the qiblah. The Messenger of Allah saw this and said: "Do not let him lead you in salah." After this, the man wanted to lead the people in salah but they prevented him and told him what the Prophet had said. The man went to the Prophet sallallahu alehi wasallam, to ask him about that, and the Prophet said: "Yes, [it is true] for you have offended Allah and His Messenger." This is related by Abu Dawud and Ibn Hibban. Abu Dawud and al-Munzhiri are silent about it.

### Fiqh 2.58 c: Permission to leave the congregational prayer

If the imam makes the salah too long, it is permissible, under certain circumstances, to leave the salah with the intention of performing it individually. The following are examples of when this may be done: becoming ill, fearing that one's wealth may be lost or destroyed, missing one's companions or traveling group, being overcome by sleep, and so on. This is based on the following hadith related by Jabir: "Mu'azh would pray 'isha with the Prophet sallallahu alehi wasallam, and then go and lead his people in salah. One night, the Prophet delayed salatul 'isha and Mu'azh prayed with him and then went to his people and led them in the night prayer by reciting alBaqarah. One man left the salah and prayed by himself. The people said to him: 'O so and so, you have become a hypocrite.' He said: 'I have not

become a hypocrite but I shall surely go to the Prophet and inform him of what has happened.' He told the Prophet what had happened and the Prophet said to Mu'azh: 'You put people to trials, Mu'azh! You put people to trials, Mu'azh. Recite such and such surah.'" This is related by the group.

## Fiqh 2.59: Repeating a salah with a congregation

Yazid al-Aswad says: "We prayed dawn prayer (fajr) with the Messenger of Allah at Mina and two men came and stopped at their resting places. The prophet ordered for them to be brought and they came shaking with fear. The Prophet said to them: 'What prevented you from praying with the people? ...Are you two not Muslims?' They answered: 'Certainly we are, O Messenger of Allah, but we had prayed in our resting place.' The Prophet told them: 'If you pray in your resting places and then come upon an imam, pray with him, and it will be nafl for you.'" This is related by Ahmad and Abu Dawud. An-Nasa'i and at-Tirmizhi record it in these words: "If you pray in your resting places and then you come to a mosque with a congregation, pray with them, and it will be nafl for you." At-Tirmizhi calls it hasan sahih and Ibn as-Sakin says it is sahih.

This hadith shows that it is correct for one to repeat a salah as a nafl with a congregation even if he has already performed it, individually or with a congregation.

It is related that Huzhaifah repeated the zuhr, 'asr, and maghrih prayers although he had prayed them in congregation. It is also related that Anas prayed fajr behind Abu Musa at the place where fruits are dried and then he went to the congregational mosque and repeated the salah behind alMughirah ibn Shu'bah. Nevertheless, this action contradicts authentic hadith of the Prophet sallallahu alehi wasallam in which he reportedly said: "Do not pray the same salah twice in one day." The apparent conflict has been resolved by Ibn 'Abdul-Barr who writes, "Ahmad and Ishaq agree that this refers to praying an obligatory salah and then, after a while, repeating it as the obligatory prayer. Now, as for the one who repeats the salah with a congregation with the intention that the second prayer is not a repeat of the obligatory salah but that it is simply a voluntary prayer, he obeys the Prophet's order of not making the same salah twice, as the first salah was obligatory and the second was nafl; hence, there is no repetition."

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## Fiqh 2.60: Imam's leaving the place after the salah

It is preferred for the imam to tum to the right or to the left after the salah and then to leave the place of prayer.

Qabaidah ibn Halb relates that his father said: "The Prophet would lead us in salah and then tum to both of his sides, to his right and to his left." This is related by Abu Dawud, Ibn Majah, and at-Tirmizhi. The latter calls it hasan. People who are infommed on this subject act accordingly by turning to any side they wish. Both acts have been authenticated from the Prophet sallallahu alehi wasallam. 'Aishah says: "After the Prophet made the taslim, he would not sit except for the amount of time it takes to say: 'O Allah, You are the Peace, and from You comes the Peace. Blessed are You, Possessor of Majesty and Honor."' This is related by Ahmad, Muslim, at-Tirmizhi, and Ibn Majah.

Ahmad and al-Bukhari record that Umm Salamah said: "Whenever the Messenger of Allah finished his prayers with the taslim, the women would get up and he would stay in his place for a while before getting up." She said: "I think, and Allah knows best, that he did that to allow the women to leave before the men [would stand to leave].

## Fiqh 2.60 a: The imam or followers being elevated

It is disliked for the imam to be at a higher place than the followers.

Abu Mas'ud al-Ansari says: "The Prophet sallallahu alehi wasallam prohibited that the imam should stand on something higher than the people behind him." This is related by ad-Daraqutni, while al-Hafez is silent about it in al-Talkhis.

Hamam ibn al-Harith relates that Huzhaifah led the people in prayer in Mada'in (Iraq) and he stood on a bench. Abu Mas'ud pulled his shirt with a strong grip. When he finished his prayer Abu Mas'ud said: "Do you not know that this has been prohibited?" Huzhaifah said: "Certainly, I know it. I remembered it when you pulled me." This is related by Abu Dawud, ash-Shaf'i, and al-Baihaqi. Al-Hakim, Ibn Khuzaimah, and Ibn Hibban grade it sahih.

On the other hand, if the imam has some reason for being higher than the followers, the act is not disliked. Sahl ibn Sa'd as-Sa'ady says: "I saw the Prophet sitting upon the pulpit on the first day that it was set up. He made the opening takbir while he was upon it and then he performed ruku'. Afterward, he moved behind the pulpit and made sajdah at the foot of the pulpit. Then, he repeated the same. When he had finished, he tumed to the people and said: "O people, I did that for you to follow me and to teach you my salah."' This is related by Ahmad, al-Bukhari, and Muslim.: It is permissible for the followers to be at a higher place than the imam

Sa id ibn Mansur, ash-Shaf'i, al-Baihaqi, and al-Bukhari, in his comments, relate from Abu Hurairah that he prayed at the top of the mosque while following the imam. Anas used to pray in the room of Abu Naf'i to the right of the mosque and the room was his height's high and its door faced the mosque of Basrah and Anas would pray in it, following the imam. The companions did not say anything about it. This is related by Sa'id ibn Mansur in his Sunan.

Ash-Shaukani observes: "If the follower is extremely high above the imam, for example, three hundred lengths, and he could not know what action the imam is doing then it is prohibited by consensus whether he is in a mosque or somewhere else. If it is less than that, it is permitted on the principle that unless proved otherwise a thing is permissible. This basis is supported by the above mentioned act of Abu Hurairah to which no one objected."

## Fiqh 2.61: Following the imam with a barrier in between

It is allowed for a follower to follow the imam, even if there is a barrier between them, as long as he or she can tell the imam's movements either by his sight or hearing.

Al-Bukhari records: "Al-Hassan said: 'There is no problem if you pray and between you and him [the imam] there is a river.' Abu Majliz said: 'Follow the imam, even if between you and him there is a road or a wall, as long as you can hear the opening takbir.'" We have already mentioned the hadith in which the people prayed behind the Prophet sallallahu alehi wasallam while they were behind the room.

### Fiqh 2.61 a: When imam leaves out an essential act of salah

A person's imamate is valid even if he leaves out one of the obligatory acts or prerequisites provided the followers complete them and the imam is not aware of the fact that he had left out an obligatory act or prerequisite.

Abu Hurairah reports that the Prophet said: "If the imam leads the prayer correctly, then both you and he will get the reward. If he is mistaken, you will get the reward and he the blame." This is related by Ahmad and al-Bukhari.

Sahl reports that he heard the Prophet sallallahu alehi wasallam say: "The imam is a warrantor. If he has done well, it is for him and them. If he has done wrong, it is upon him." This is related by Ibn Majah.

It has been authentically reported from 'Umar that he led the people in salah while he was sexually defiled and had forgotten that fact. He repeated his salah but those who had prayed behind him did not.

### Fiqh 2.62: Appointing another to lead the rest of the salah

If the imam must leave during the salah due to some reason, for instance, he remembers that he is in need of making ablution or he loses his ablution during the salah, then he should appoint another to lead the remainder of the prayer.

'Amr ibn Maimun says: "I was standing and there was no one between me and 'Umar, the morning he was killed, except 'Abullah ibn 'Abbas. He had barely pronounced the takbir when he was stabbed and he said: 'The dog has bitten or killed me.' 'Umar bade 'Abdur Rahman ibn 'Auf to lead the salah and he led them in a short prayer." This is related by al-Bukhari.

Abu Razin reports: "'Ali was praying one day when his nose began to bleed. He took a man by the hand and put him in front of the congregation, and he left." This is related by Sa'id ibn Mansur.

Ahmad observes: "If the imam appoints another [it is acceptable] as 'Umar and 'Ali appointed another. If the people pray individually, [it is acceptable] as in the case of Mu'awiyyah when he was stabbed and the people prayed individually and completed their prayers."

### Fiqh 2.62 a: When the people dislike their imam

Many hadith have been related which warn against leading a congregation while one is disliked by them. Dislike here relates to one's religious conduct and is based on a valid reason.

Ibn 'Abbas relates that the Prophet said: "Three people's prayers will not rise above their head the length of a hand's span. [They are:] a man who leads a people in salah and they do not like him, a woman who has disobeyed her husband and he is dipleased with her, and two brothers who are estranged." This is related by Ibn Majah. Al-'Iraqi says its chain is hasan.

'Abdullah ibn 'Amr relates that the Prophet sallallahu alehi wasallam said: "Allah does not accept

prayers from three [types of] people: a man who leads a people and they dislike him, a man who attends the prayers after their time is finished, and a man who re-enslaves his freed slave." This is related by Abu Dawud and Ibn Majah.

Elaborating upon it, at-Tirmizhi says: "It is disliked that a man should lead a people in salah while they dislike him. If the imam is not a wrongdoer, then the sin is upon those who don't like him."

## Fiqh 2.62 b: The Positioning Of The Imam And The Followers

It is preferred for one person to stand to the right of the imam and for a "group of two (or more)" to stand behind the imam.

Jabir reports: "The Prophet stood to pray and I came and stood on his left. He took me by my hand [and led me] around him until I stood on his right. Then, Jabir ibn Sakhr came and stood on the left of the Messenger of Allah sallallahu alehi wasallam. He took both of us by our hands and pushed us back until we stood behind him." This is related by Muslim and Abu Dawud.

If a woman is present with the group, then she is to stand in a row by herself behind the men and she is not to join them in their rows. If she did not stand in a separate row, her salah will still be valid according to the opinion of majority. Anas said: "An orphan and I prayed behind the Messenger of Allah in our house and my mother prayed behind us." In another version it is stated: "He put me and the orphan in a row behind him and the woman behind us." This is related by al-Bukhari and Muslim.

## Fiqh 2.63: The position of the imam while leading the prayer

It is preferred for the imam to stand in the center of the rows and the people closest to him should be the people of intellect and understanding.

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "Let the imam stand in the center, and close the gaps in the rows." This is related by Abu Dawud and both he and al-Munzhiri make no further comment on its authenticity.

Ibn Mas'ud reports that the Prophet sallallahu alehi wasallam said: "Let those who are prudent and sedate be near me, then those who are next to them, then those who are next to them, and beware of the tumult of the market place." This is related by Ahmad, Muslim, Abu Dawud, and at-Tirmizhi.

Anas said: "The Prophet loved that the emigrants (muhajarin) and helpers (ansar) stand next to him so that they would learn from him." This is related by Ahmad and Abu Dawud. The wisdom behind having such people close to the imam is that they can correct him if he makes a mistake and it is easy for the imam to appoint one of them in his place if he needs to leave.

## Fiqh 2.63 a: The positioning of the young and the women

The Messenger of Allah placed the men in front of the young boys and the women behind the young boys. This is related by Ahmad and Abu Dawud.

Abu Hurairah reported that the Messenger of Allah said: "The best rows for the men are the first rows and the worst rows for them are the last rows. The best rows for the women are the last rows and the worst for them are the front rows." The last rows are the best for the women because they are farther away from the men as against the first rows that are nearest to men's rows. This is related by the group except al-Bukhari.

## Fiqh 2.64: The prayer of an individual behind a row

If a person makes his opening takbir behind a row and then he enters the row and performs the ruku'

with the imam, his salah will be valid.

Abu Bakra reports that he came to the salah while the Prophet was performing ruku' and Abu Bakra performed the ruku before he entered the row. He mentioned this to the Prophet and he said: "May Allah increase your love for goodness, but do not repeat that act." This is related by Ahmad, al-Bukhari, Abu Dawud, and anNasa'i.

According to the majority, If a person prays behind the rows by himself, his salah will be valid but diliked. Ahmad, Ishaq, Ahmad, ibn Abu Laila, Waki', al-Hassan ibn Saleh, an-Nakha'i and Ibn al-Munzhir hold that if a person prays one complete rak'ah behind the rows, his salah will be invalid.

Wabsah relates that the Messenger of Allah saw a man praying behind the rows by himself and the Propeht ordered him to repeat his salah. This is related by the five save an-Nasa'i. In Ahmad's version, the Messenger of Allah was asked about a man who prays by himself behind the rows and he said: "He is to repeat his salah." At-Tirmizhi called this hadith hasan and Ahmad's chain is good.

'Ali ibn Shaiban relates that the Messenger of Allah saw a man praying behind the row and he waited for him and (when he finished) told him: "Go forward (and join the row) for the salah of a person standing alone behind the rows is not valid." This is related by Ahmad, Ibn Majah, and al-Baihaqi. Ahmad says it is hasan. Ibn Sayyid an-Nass said its narrators are well-known, trustworthy people.

The majority stick to the hadith of Abu Bakra who said that he preformed part of the prayer, behind the row, and the Prophet did not order him to repeat his salah. Repeating the salah signifies overzeal in practicing what is recommended and better.

Al-Kaman ibn al-Hamam said: "Our scholars are of the opinion that the hadith of Wabsah refers to what is preferred while the hadith of 'Ali ibn ash-Shaiban underlines failure to practice what is the best and, as such, they are in harmony with the hadith of Abu Bakra. It is clear, then, that it is not necessary to repeat the salah because such an act was not always ordered.

If someone comes to the row and does not find sufficient space or a gap to stand in the row, then, according to some, he should stand by himself and it is disliked that he should pull anyone back from the row. Others say that he should pull one, who is aware of the ruling, back from the row after they have performed the opening takbir, and it is preferred for the one who is pulled to join him."

## Fiqh 2.64 a: Straightening the rows and filling the gaps

It is preferred for the imam to order the followers to straighten the rows and fill in any gaps before he starts the salah.

Anas relates: "The Prophet would turn his face to us before he began the salah and he would say: 'Be close together and straighten your rows.'" This is related by al-Bukhari and Muslim. He also reported that the Prophet would say: "Make your rows straight for the straightening of the rows is part of the completion of the salah."

An-Nu'man ibn Bashir says: "The Prophet would straighten us in our rows as one straightens an arrow, until he saw that we had learned from him. One day, he saw a person with his chest sticking out and he said: 'You had better straighten your rows or Allah will cause differences among you.'" This is related by the five. At-Tirmizhi says it is sahih.

Abu Umamah reports that the Prophet sallallahu alehi wasallam said: "Straighten your rows and put your shoulders close to each other and be gentle with each other and fill in the gaps for the Satan passes through what is between you like small sheep [are able to pass through gaps]." This is related by Ahmad and at-Tabarani with a chain that has no fault in it.

Anas reports that the Messenger of Allah said: "Complete the front row, then the ones after it, and if there is any incompletion, it should be in the last row." This is related by Abu Dawud, an-Nasa'i, and al-Baihaqi.

Ibn 'Umar says: "There is no step that carries a greater reward than the step a man takes to an empty gap in a row in order to fill it." This is related by al-Bazar with a hasan chain.

Ibn 'Umar also related that the Messenger of Allah said: "Whoever connects a row, Allah will join him. Whoever cuts off a row, Allah will cut him off." This is related by An-Nasa'i, al-Hakim, and Ibn Khuzaimah.

Jabir ibn Samrah says: "The Prophet sallallahu alehi wasallam came to us and said: 'Why don't you make the rows like the angels make their rows in the presence of their Lord?' We asked: 'O Messenger of Allah, how do the angels make their rows in the presence of their Lord?' He replied: 'They complete the first row and stand closely together, side by side, in the row.'" This is related by the group, save al-Bukhari and at-Tirmizhi.

## Fiqh 2.65: Encouragement concerning being in the first row and on the right side

We have already mentioned the Prophet's words "If the people knew what [great blessings were] in the call to salah and in the first row the people would vie with one another to call the azhan and to be in the first row, and if they found no way to decide [who would be allowed to make the call to salah or to be in the first row] except by drawing lots, then they would draw lots."

Abu Sa'id al-Khudri reports that the Prophet noticed his companions going to the back rows, and he said: "Come close and follow me and let those behind follow you. People will continue going to the back until Allah will put them in the back." This is related by Muslim, an-Nasa'i, Abu Dawud, and Ibn Majah.

'Aishah reports that the Prophet sallallahu alehi wasallam said: "Allah and His angels send down blessings upon those who pray on the right side of the rows." This is related by Abu Dawud and Ibn Majah.

Ahmad and at-Tabarani record, with a sahih chain, from Abu Umamah that the Prophet said: "Allah and the angels send down blessings upon the first row." The people inquired: "O Messenger of Allah, and upon the second row?" The Prophet again said: "Allah and the angels send down blessings upon the first row." The people asked again: "O Messenger of Allah, and upon the second row?" Finally he said: "And upon the second row."

## Fiqh 2.66: Repeating imam's words for others in the back rows

If some people cannot hear the imam, it is preferred for one to repeat in a loud voice the imam's words for the others to hear. There is consensus among scholars that repeating aloud after the imams without there being any real need for it is an abhorent innovation.

## Fiqh 2.67: The earth as a mosque

Allah the Exalted has conferred a special blessing upon this ummah - that is, the whole earth has been declared a mosque for it. Therefore, when the time for prayer comes, a Muslim may pray wherever he may be. Abu Zharr asked the Prophet, "What was the first mosque on the earth?" He said: "The Masjid al-Haram [in Makkah]." Abu Zharr asked: "which is the next oldest mosque?" The Prophet sallallahu alehi wassalam said: "The al-Aqsa Mosque." Abu Zharr asked: "How much time was there between [the building of the two]." The Prophet sallallahu alehi wasallam replied: "Forty years." Then, he said: "Wherever you may be, at the time of salah, you may pray for it [the earth] is all a mosque." This is related by the group.

## Fiqh 2.67 a: The excellence of building mosques

'Uthman reports that the Prophet sallallahu alehi wasallam said: "Whoever builds for Allah a mosque, seeking by it Allah's grace, Allah will build for him a house in paradise." This is related by al-Bukhari and Muslim.

Ibn 'Abbas reports that the Prophet sallallahu alehi wasallam said: "Whoever builds for Allah a mosque, even if it be tiny, like a bird's nest, Allah will build for him a house in paradise." This is related by Ahmad, Ibn Hibban, and al-Bazzar with a sahih chain.

## Fiqh 2.67 b: Supplications while going to the mosque

It is sunnah to make supplications while going to the mosque. The following are examples of such supplications:

Umm Salamah reports: "When the Messenger of Allah left the house he would say: 'In the name of Allah, I put my trust in Allah. O Allah, I seek refuge in Thee lest I stray or be led astray or cause injustice or suffer injustice or do wrong or have wrong done to me !" This is related by Abu Dawud, an-Nasa'i, Ibn Majah, and at-Tirmizhi, who calls it sahih.

Anas reports that the Messenger of Allah said: "Whoever says upon leaving from his house: 'In the name of Allah, I put my trust in Allah. There is no power or might except with Allah,' it will be said to him: 'That is sufficient for you...you are guided, defended, and protected and the devil will be driven away from you."' This is related by Abu Dawud, an-Nasa'i, and at-Tirmizhi who calls it hasan.

Al-Bukhari and Muslim record from Ibn 'Abbas that the Prophet left for the mosque saying: "O Allah, make light in my heart, and light in my vision, and light in my hearing, and light on my right, and light behind me, and light in my nerves, and light in my flesh, and light in my blood, and light in my hair and light in my skin."

In Muslim's version, we find "O Allah, make light in my heart and light on my tongue, and make light in my hearing, and light in my sight, and make light behind me, and light in front of me, and make light above me, and light below me . O Allah, give me light."

Abu Sa'id al-Khudri reports that the Prophet said: "If a man leaves his house to go to the prayer and says, 'O Allah, I ask You by the right of the suppliant upon You and by the right of this walking - as I have not come out in an arrogant or unthankful manner or for show or for fame; I came out in fear of Your anger and desiring Your pleasure - I ask You to rescue me from the Fire and to forgive my sins as no one forgives sins, save You," Allah will assign for him seventy thousand angels to ask forgiveness for him and Allah turns His face to him until he finishes his prayer." This is related by Ahmad, Ibn Khuzaimah, and Ibn Majah. Al-Hafez said that it is hasan.

## Fiqh 2.69: Supplications upon entering and leaving the mosques

It is a sunnah for one who wants to enter the mosque to enter with his right foot first and to say: "I seek refuge in Allah, the Exalted, and by His honorable face, and in His everlasting authority, [away] from the outcast Satan. In the name of Allah! O Allah, shower blessings upon Muhammad. O Allah, forgive my sins for me and open for me the doors of Your mercy."

When one wants to leave the mosque he should step with his left foot first and say: "In the name of Allah! O Allah, shower blessings upon Muhammad. O Allah, forgive my sins for me and open for me the doors of Your bounty. O Allah, protect me from the accursed Satan."

## Fiqh 2.69 a: The excellence of proceeding to the mosque to attend salah

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "If anyone goes back and forth to the mosque [to attend the prayers], Allah will prepare for him a feast in paradise as often as he goes back and forth." This is related by Ahmad, al-Bukhari, and Muslim.

Abu Sa'id reports that the Prophet sallallahu alehi wasallam said: "If you see a man frequenting the mosque, then testify that he has faith. As Allah says,'The attendants of Allah's mosque are those who believe in Allah and the last day [At-Taubah 18].'" This is related by Ahmad, Ibn Majah, Ibn Khuzaimah, Ibn Hibban, and by at-Tirmizhi, who says it is hasan, and by al-Hakim who says it is sahih.

Muslim records, on the authority of Abu Hurairah, that the Messenger of Allah said: "If anyone purifies himself in his house, and then walks to one of the houses of Allah to fulfill one of the obligations laid down by Allah, then [each one] of his steps will erase one of his sins and the next will raise his degrees."

Abu ad-Darda' reports that the Messenger of Allah said: "The mosque is a house for every pious person, and Allah provides everyone whose house is the mosque with comfort, leisure, and a path to Allah's pleasure, to paradise." This is related by at-Tabarani and al-Bazzar with a sahih chain.

We have already mentioned the hadith which begins with words "Shall I not point out to you [an act] by which Allah erases sins and raises degrees. . . ?"

### Fiqh 2.70: The prayer of salutations to the mosque (tahyyatul masjid)

Abu Qatadah reports that the Messenger of Allah said: "When one of you comes to the mosque, he should pray two rak'at before he sits." This is related by the group.

### Fiqh 2.70 a: Three most excellent mosques

Jabir reports that the Messenger of Allah said: "Prayer in the inviolable mosque [in Makkah] is like 100,000 prayers [elsewhere]. And prayers in my mosque [in Medinah] is like one thousand prayers [elsewhere]. And a prayer in Bait al-Maqdis [in Jerusalem] is like five hundred prayers [elsewhere]. This is related by alBaihaqi, and as-Sayuti says it is hasan.

Ahmad records that the Messenger of Allah said: "Offering salah in my mosque is better than one thousand prayers elsewhere, save for those offered in the inviolable mosque. And salah in the inviolable mosque is better than salah in my mosque by one hundred prayers."

The Prophet said: "One should not undertake a journey, save to three mosques: the inviolable mosque [in Makkah], my mosque here [in Medinah], and Masjid al-Aqsa [in Jerusalem]." This is related by the group.

### Fiqh 2.70 b: Embellishing the Mosques

Anas reports that the Messenger of Allah said: "The Hour will not come to pass until the people vie with each other in (building) the mosques." This is related by Ahmad, Abu Dawud, anNasa'i, Ibn Majah, and Ibn Hibban who calls it sahih. Ibn Khuzaimah's wording is: "A time will come when the people will vie with each other in (building) the mosques but very few will attend (the mosques)."

Ibn 'Abbas reports that the Messenger of Allah said: "I have not been ordered to build high and lofty mosques." Abu Dawud's version adds: "Ibn 'Abbas said: 'You will certainly embellish them as the Jews and Christians embellished [their places of worship].'" The preceding hadith was related by Abu Dawud and by Ibn Hibban who calls it sahih.

'Umar ordered mosques to be built and would say: "Protect the people from the rain. Beware of red and yellow decorations for they distract people." This is related by Ibn Khuzaimah in his sahih and by al-

Bukhari in mualaq form.

## Fiqh 2.71: Keeping the mosques clean and scenting them

'Aishah reports that the Prophet ordered that mosques be built in residential areas and that they be cleaned and perfumed. This is related by Ahmad, Abu Dawud, at-Tirmizhi, Ibn Majah, and Ibn Hibban with a good chain. Abu Dawud's wording is: "He ordered us to build the mosques in the residential areas, to build them well, and to purify them. 'Abdullah would burn incense when 'Umar would sit on the pulpit."

Anas reports that the Prophet sallallahu alehi wasallam said: "The rewards of my ummah were placed before me, even for removing a speck of dust from the mosque." This is related by Abu Dawud, at-Tirmizhi, and Ibn Khuzaimah who calls it sahih.

## Fiqh 2.71 a: Maintaining the Mosques

The Mosques are houses of worship and it is obligatory to keep them clean and free of filth and noxious smells.

Muslim records that the Prophet sallallahu alehi wasallam said: "These mosques are not meant for urine or filth but they are for the remembrance of Allah and the recital of the Qur'an.

Ahmad records, with a sahih chain, that the Prophet sallallahu alehi wasallam said: "If one of you expectorates, he should cover it lest it should besmear a believer's body or clothing and harm him."

Ahmad and al-Bukhari record from Abu Hurairah that the Messenger of Allah said: "When one of you stands to pray, he should not spit in front of him as he is facing Allah when he is in prayer. And he should not spit to his right as there is an angel on his right. So, he should spit to his left or under his feet and he should bury it."

Jabir reports that the Prophet sallallahu alehi wasallam said: "Whoever eats garlic, onion, or leek should not come close to our mosque for the angels are harmed by what harms the children of Adam." This is related by al-Bukhari and Muslim.

On Friday, 'Umar addressed the people saying: "O you people, you eat of two plants which I consider bad [onion and garlic] for I have seen the Prophet, when he perceived their smell from someone, he would order the man to go to al-Baqi'. Whoever eats them should suppress their odor by cooking them." This is related by Ahmad, Muslim, and an-Nasa'i.

## Fiqh 2.72: Prohibition of announcing lost objects, trading or reciting poetry in the mosques

Abu Hurairah reports that the Messenger of Allah said: "If you hear a man announcing in the mosque about some object which he has lost tell him: 'May Allah not return it to you for the mosques are not built for that."' This is related by Muslim.

Abu Hurairah also relates that the Prophet said: "If you see someone buying or selling in the mosque, say to him: 'May Allah not give you any profit in your trading."' This is related by an-Nasa'i and at-Tirmizhi. The latter calls it hasan.

'Abdullah ibn 'Umar reports that the Peophet forbade buying and selling in the mosque, reciting poetry in it, or announcing lost items, and he especially prohibited making a circle [i.e., a meeting in a circle] before the Friday prayer. This is related by the five, and at-Tirmizhi calls it sahih.

The poetry which is prohibited is that which ridicules a Muslim, praises a wrongdoer or some lewdness, and so on. Concerning that which contains wisdom or praises of Islam or encouragement to piety, there

is nothing wrong with it. Abu Hurairah reports that 'Umar passed by Hassan as he was reciting poetry in the mosque. 'Umar looked at him in a disapproving manner. Hassan said: "I used to recite when one better than you was present." He turned to Abu Hurairah and said: "I adjure you by Allah to state that you have heard the Messenger of Allah say: 'Respond for me [Hassan]. O Allah, support him with the Angel Gabriel.'" Abu Hurairah said: "Yes, [I heard it]." This is related by al-Bukhari and Muslim.

### Fiqh 2.72 a: Begging in the mosque

Shaikh al-Islam Ibn Taimiyah says: "Begging is forbidden whether it is in the mosque or outside it, unless there is a real need for it. If necessary, one may beg in the mosque as long as one does not harm anyone and does not lie in begging, or disturb the people by stepping over them or with one's loudness, for instance, when the people are listening to the Friday khutbah, and one distracts them by one's voice.

### Fiqh 2.72 b: Raising one's voice in the mosque

It is forbidden to raise one's voice in such a way that it disturbs others' prayers, even if it is done while reciting the Qur'an. Teaching or imparting knowledge (to others) is exempt from this prohibition.

Ibn 'Umar relates that the Prophet sallallahu alehi wasallam entered upon some people while they were praying and they were raising their voices in the Qur'anic recital. The Prophet said: "One who is praying is in a private conversation with his Lord so he should be mindful of whom he is conversing with. And you should not raise your voices against each other in [the recital of] the Qur'an." This is related by Ahmad with a sahih chain.

Abu Sa' id al-Khurdi reports that the Prophet was making seclusion (i'tikaf) in the mosque and he heard the people reciting aloud. He removed the covering and said: "Verily, each of you is in a private conversation with his Lord so you should not disturb each other. And you are not to raise your voices against each other in the recitation." This is related by Abu Dawud, an-Nasa'i, al-Baihaqi, and al-Hakim who grades it sahih according to the criteria of al-Bukhari and Muslim.

### Fiqh 2.73: Talking in the mosque

An-Nawawi says: "It is permissible to engage in lawful conversation in the mosque and one may discuss worldly affairs and other things and even laugh, as long as it is about something permissible. This opinion is based on the hadith of Jabir ibn Samurah who said: 'The Prophet would not rise from his place of the morning prayer until the sun had risen, and when the sun rose, he would get up. And they would talk and laugh about [pre-Islamic] days of ignorance, and he would smile.'" This is related by Muslim.

When one wants to leave the mosque he should step with his left foot first and say: "In the name of Allah! O Allah, shower blessings upon Muhammad. O Allah, forgive my sins for me and open for me the doors of Your bounty. O Allah, protect me from the accursed Satan."

### Fiqh 2.73 a: Permission to eat, drink, or sleep in the mosque

Ibn 'Umar says: "During the time of the Messenger of Allah, we would sleep and take nap in the mosque, and at that time, we were young men."

An-Nawawi said: "It is confirmed that ahl as-suffah, 'Ali, Sufyan ibn Umayyah, and a number of the companions used to sleep in the mosque. Thumamah slept there before he embraced Islam. All of that was during the time of the Messenger of Allah." Ash-Shaf'i writes in al-Umm: "If a polythiest could sleep in a mosque, then definitely a Muslim can." In alMukhtasar it is said: "There is no harm in a polythiest staying in any mosque except the inviolable mosque [in Makkah]." 'Abdullah ibn al-Harith says: "During the time of the Messenger of Allah, we would eat meat and bread in the mosque." This is related by Ibn Majah with a hasan chain.

## Fiqh 2.73 b: Clasping the hands or intertwining the fingers

It is disliked to clasp one's hands while going to the mosque or while waiting for the salah in the mosque, although it is perfectly permissible to do so at other times, even in the mosque. Ka'b relates that the Messenger of Allah said: "When one of you makes wudu', perfects the wudu', and leaves with the intention of going to the mosque, he should not intertwine his fingers as he is [considered to be] in salah." This is related by Ahmad, Abu Dawud, and atTirmizhi .

Abu Sa'id al-Khudri says: "I entered the mosque with the Messenger of Allah while a man was sitting in the middle of the mosque with his fingers intertwined. The Messenger of Allah motioned to him but the man did not notice or understand him. The Messenger of Allah turned and said: 'If one of you is in the mosque, he should not intertwine his fingers as intertwining of the fingers is from the Satan, and you are in the prayer while you are in the mosque until you leave it.'" This is related by Ahmad.

## Fiqh 2.74: Salah between walls and enclosures

It is allowed for the imam or one who is offering salah by himself to pray between two walls or enclosures. Al-Bukhari and Muslim record from Ibn 'Umar that when the Prophet entered the Ka'bah, he prayed between two walls.

Sa'id ibn Jubair, Ibrahim at-Taimi, and Suwaid ibn Ghuflah led the people in salah while they were between two columns. It is disliked for the followers to pray between them if they have enough room because it cuts the row, but they may do so if they are constrained to it.

Anas says: "We were prohibited to offer salah between walls and we would keep others from it." This is related by al-Hakim who says it is sahih.

Mu'awiyyah ibn Qurrah relates that his father said: "We were prohibited to make rows between walls during the time of the Prophet and we kept others from it." This is related by Ibn Majah but one of its narrator is majhul (unknown as a trustworthy person). Sa'id ibn Mansur records in his Sunan that Ibn Mas'ud, Ibn 'Abbas, and Huzhaifah prohibited it. Ibn Sayyid an-Nass said: "There is no known difference among the companions [on this point]."

## Fiqh 2.74 a: Graveyards, do not offer salat in

'Aishah reports that the Prophet sallallahu alehi wasallam said: "Allah cursed the Jews and Christians [because] they took the graves of their prophets as mosques." This is related by al-Bukhari, Muslim, Ahmad, and an-Nasa' i .

Ahmad and Muslim record from Abu Marthad al-Ghanawi that the Prophet sallallahu alehi wasallam said: "Do not pray facing a grave and do not sit on one." They also record that Jundub ibn 'Abdullah al-Bajali heard the Prophet say, five days before he died: "The people before you took graves as mosques. I prohibit this to you."

'Aishah reports that Umm Salamah mentioned the churches she saw in Abyssinia and the pictures they contained to the Messenger of Allah. The Prophet said to her: "These are the people who, when a pious servant or pious man among them dies, build a mosque [place of worship] upon their graves and put those pictures in it. They are the worst of the whole creation in the sight of Allah." This is related by al-Bukhari, Muslim, and an-Nasa' i .

The Prophet is also reported to have said: "Allah curses those who visit the graves and take them as mosques and light lamps over them." Many scholars take this prohibition to be one of dislike, regardless of whether the grave is in front of the imam or behind him. According to the zahiri school, this prohibition is one of complete forbiddance and as such, prayer at a grave site is not valid. According to the Hanbali school, this applies only if there are three graves or more. If there is only one or two graves, then the prayer is valid although disliked if one prays facing a grave, otherwise it is not

disliked.

## Fiqh 2.75: Churches and synagogues

Abu Musa al-Ash'ari and 'Umar ibn 'Abdulaziz prayed in a church. Ash-Sh'abiy, 'Ata, and Ibn Sireen did not see anything wrong with praying in a church [if one happened to be in a church at the time of salah]. Al-Bukhari says: "Ibn 'Abbas would pray in churches [under unusual circumstances] except for those with statues or sculptures." The Muslims of Najran wrote to 'Umar saying that they found no place cleaner or better to pray in than a church. 'Umar wrote to them: "Sprinkle it with water and leaves and pray therein." According to the Hanafi and Shaf'i schools, it is disliked to pray in such places in general.

## Fiqh 2.75 a: Dunghills, slaughterhouses, middle of the roads, resting places of the camels near watering holes, bathrooms and on the roof of the "house of Allah"

Ibn 'Umar relates that the Prophet sallallahu alehi wasallam prohibited salah in seven places: "dunghills, slaughterhouses, graveyards, middle of the road, bathhouses, watering places where the camels drink and rest, and on the roof of the house of Allah [the Ka'bah in Makkah]." This is related by Ibn Majah, 'Abd ibn Humaid, and at-Tirmizhi who said its chain is not strong. The reason why it is prohibited to pray on dunghills and in slaughterhouses is the presence of impurities there. It is forbidden to pray at such places without any barrier, and if there is such a barrier one may pray, but it is disliked by the majority of the scholars, while Ahmad and other scholars of zahiri persuasion say it is prohibited. The reason why it is prohibited to pray in the resting places of the camels is the same as in the first two cases (i.e., the presence of impurities). The reason why it is prohibited to pray at the middle of the roads is because there is usually a lot of commotion, which could take one's heart away from the salah. As for praying on the roof of the Ka'bah, this contradicts the order to offer salah facing it. For this reason, many are of the opinion that a salah performed on top of the Ka'bah is invalid. The Hanafi school holds that it is allowed, but disliked as it does not honor the Ka'bah. The reason it is disliked to pray in bath-houses is the presence of impurities there, according to the majority of the scholars. Ahmad, Abu Thaur, and the Zahiriyyah hold that a salah offered in the bath-house is not valid.

## Fiqh 2.76: Prayer in the Ka'bah

Offering salah in the Ka'bah is valid regardless of whether it is an obligatory prayer or a supererogatory prayer. Ibn 'Umar reports: "The Messenger of Allah entered the house [the Ka'bah] with 'Usamah ibn Zaid, Bilal, and 'Uthman ibn Talhah and they closed the door behind themselves. When they opened the door, I was the first to come upon them and I asked Bilal: 'Did the Messenger of Allah pray [while he was inside]?' He said: 'Yes, between the two Yemeni pillars.'" This is related by Ahmad, al-Bukhari, and Muslim.

## Fiqh 2.76 a: Pray toward your sutrah, partition

It is preferred for the one who is praying to place a sutrah (or some sort of partition) in front of him in order to keep others from passing in front of him and to keep his eyesight from going behind this partition.

Abu Sa'id reports that the Prophet sallallahu alehi wasallam said: "When one of you prays, he should pray toward his sutrah and he should be close to it." This is related by Abu Dawud and Ibn Majah.

Ibn 'Umar relates that "when the Prophet sallallahu alehi wasallam went out to pray salatul 'id, he asked for a spear and placed it in front of himself and he offered salah toward it and the people prayed behind him. And he would do that while he was traveling so that those in authority [for the affairs of the Muslims] would also do this." This is related by al-Bukhari, Muslim, and Abu Dawud.

The Hanafi and Maliki scholars are of the opinion that one should place a sutrah in front of him only if he fears that someone may pass in front of him; if he does not fear that someone will pass in front of

him, it is not desirable for him to place a sutrah in front of himself. This opinion is based on the hadith of Ibn 'Abbas who said that the Prophet sallallahu alehi wasallam prayed in an open area and there was nothing in front of him. This is related by Ahmad and Abu Dawud. Al-Baihaqi related it and said: "It is supported by a report from al-Fazhl Ibn 'Abbas with a reliable chain of transmitters."

### Fiqh 2.77: Requirements for a sutrah or partition

Anything which the person sets up in front of him will qualify as a sutrah, even if it is only the end of his bed. Sabrah ibn Mu'abid reports that the Messenger of Allah said: "When one of you prays, he should make a partition for his salah, even if it is an arrow." This is related by Ahmad and by al-Hakim who said it is sahih according to the criteria of Muslim. Al-Haithami observes: "Ahmad's narrators are sound."

Abu Hurairah relates that the Prophet said: "When one of you prays, he should place something in front of him. If he cannot find anything, he should prop up his staff [in front of him]. If he does not have a staff, he should draw a line [on the ground in front of him] then nothing that passes in tront of him will harm him." This is related by Ahmad and Abu Dawud and Ibn Hibban. The later classifies it sahih as did Ahmad and Ibn al-Madini. Al-Baihaqi says: "There is no problem with that hadith regarding that ruling, Allah willing."

It is related that the Prophet sallallahu alehi wasallam prayed toward a column in his mosque, toward a tree, toward a bed upon which 'Aishah was lying, and toward his riding animal, and toward his saddle, and so on.

Talhah says: "We used to pray and the animals would pass in front of us. We mentioned that to the Prophet and he said: "If anything the size of a saddle is in front of you, nothing that passes beyond it would harm you." This is related by Ahmad, Muslim, Abu Dawud, Ibn Majah, and at-Tirmizhi who calls it hasan sahih.

### Fiqh 2.77 a: The sutrah of the imam is sutrah of the followers

The sutrah of the imam is the sutrah of everyone behind him.

'Amr ibn Shu'aib relates from his father on the authority of his grandfather who said: "We were descending on a path near Makkah with the Messenger of Allah and the time for prayer came. The Prophet prayed toward a wall and we were behind him. A lamb tried to pass in front of him and he kept preventing the lamb from doing so until its stomach was up against the wall. Finally, it passed behind him." This is related by Ahmad and Abu Dawud.

Ibn 'Abbas says: "I was riding a donkey and was at the time on the threshold of maturity, and the Prophet was leading the people in salah at Mina. I passed in front of the row and let the animal graze, and then I joined the rows and no one objected to this." This is related by the group.

These hadith prove that it is allowed to pass in front of people following the imam, and that the sutrah is required for the imam and the people praying individually.

### Fiqh 2.78: Proximity of the sutrah

Al-Baghawi says: "The people of knowledge prefer that the sutrah be so close that there is only enough space to make the sajdah, and the same applies to the distance between the rows in the prayer. "

In the hadith mentioned in the beginning of this section it is stated: "And he should be close to it."

Bilal reports that between the Prophet and the wall in front of him there was a distance of three arm spans. This is related by Ahmad and anNasa'i, and al-Bukhari has recorded something similar.

Sahl ibn Sa'd says: "Between the Messenger of Allah [and his sutrah] was enough space for a sheep to pass." This is related by al-Bukhari and Muslim .

### Fiqh 2.78 a: Prohibition of passing in front of a praying person

It is forbidden to pass in front of a person who is praying (i.e., between him and his sutrah) .

There are many hadith which forbid passing between a person and his sutrah, and describe such an act as a major sin.

Busr ibn Sa'id says that Zaid ibn Khalid sent him to Abu Juhaim to ask him what he had heard from the Prophet sallallahu alehi wasallam concerning passing in front of someone who is praying. He said that the Messenger of Allah said: "If one knew [the sin] of passing in front of one who is praying, he would rather wait forty [...] than to pass in front of him." This is related by the group.

Zaid ibn Khalid relates that the Messenger of Allah said: "If the one who passes in front of one who is praying knew what was upon him [of sin], it would be better for him to stand [and wait] for forty autumns than to pass in front of him." This is related by al-Bazzar with a sahih chain.

Ibn al-Qayyim writes: "Ibn Hibban and others say that the prohibition mentioned in this hadith applies when one is praying with a sutrah. If one is praying without a sutrah, it is not forbidden to pass in front of him. As a proof, Abu Hatim [i.e., ibn Hibban] argues by the hadith, in his sahih, from al-Mutalib ibn Abi Wid'ah who said: 'I saw the Prophet, when he finished the circumambulation [of the Ka'bah], he went to the end of the circuit and he prayed two rak'at and there was nothing between him and the people who were circumambulating." Abu Hatim says: "This report proves that it is permissible to pass in front of a person who is praying but without a sutrah. In this lies a clear proof that the warning concerning passing in front of one who is praying refers only to one who is praying toward his sutrah and does not refer to one who does not have a sutrah." Abu Hatim explains that the Prophet's prayer was without anything between him and the people circumambulating the ka'bah. At the end of the hadith of al-Mutalib, he records: "I saw the Prophet of Allah offering salah facing the black stone and the men and women were passing in front of him and there was no sutrah between him and them. In ar-Raudah anNadiyah, it is stated that if one has no sutrah or is far away from the sutrah, then he is not to keep anyone from passing in front of him and it is not forbidden to pass in front of him although it is preferred not to do so .

### Fiqh 2.79: Preventing someone from passing in front of a praying person

It is permissible to keep some one from passing in front of a person who is praying.

If a praying person has a sutrah in front of him, then it is allowed for him to prevent any human or animal from passing in front of him. If a person passes in front of him from beyond the sutrah, then the person in salah is neither to prevent the passer-by nor will he be harmed by him.

Abu Saleh as-Saman said: "I will narrate to you what I heard and saw from Abu Sa'id al-Khudri. One day I was with Abu Sa'id and he was offering salah on Friday facing something which concealed him from the people when a young man from the tribe of Mu'ait came and tried to pass in front of Abu Sa'id. He pushed him back. He tried again and Abu Sa'id struck him harder. The two scuffled. The man went to Marwan to complain. Abu Sa'id also went to Marwan. Marwan asked: 'What has happened between you and the son of your brother that caused him to complain?' Abu Sa'id said: 'I heard the Prophet sallallahu alehi wasallam say: 'If any of you prays toward a sutrah and someone tries to pass in front of you, then turn him away. If he refuses, use force for he is a devil."' This is related by al-Bukhari and Muslim.

### Fiqh 2.79 a: Passing of anything does not invalidate the prayer

The salah is not invalidated by anything (passing in front of the praying person).

'Ali, 'Uthman, ibn al-Musayyab, ash-Sh'abiy, Malik, ash-Shaf'i, Sufyan al-Thauri and the Hanafi scholars are of the opinion that the salah is not invalidated by anything which passes in front of a person. This is based on the hadith recorded by Abu Dawud from Abu al-Waddak who says: "A young person tried to pass in front of Abu Sa'id while he was praying. Abu Sa'id held him off and then the young man tried again. Abu Sa'id pushed him off. This happened three times and when [Abu Sa'id] finished [the prayer], he said: 'The salah is not invalidated by anything but the Messenger of Allah said: 'Repulse [the person who is trying to pass in front of you] to the best of your ability for he is a devil.'"

### Fiqh 2.81: The following acts are permissible during the prayer

Crying, moaning, or groaning, regardless of whether it is due to a fear of Allah or to any other reason (e.g., a moan due to some pain or injury that one cannot contain), is permissible. This is based on the Qur'anic verse: "When the revelations of the Merciful were recited unto them, they fell prostrating and adoring." This verse is general and includes one who is praying.

'Abdullah ibn ash-Schikhir relates: "I saw the Messenger of Allah praying and his chest was 'buzzing', like the buzzing of a cooking pot, due to crying." This is related by Ahmad, Abu Dawud, an-Nasa'i, and at-Tirmizhi. The latter classifies it as sahih.

'Ali reports: "There was no horseman among us at the battle of Badr save al-Miqdad ibn al-Aswad. I saw that not one of us was standing save the Messenger of Allah who was praying under a tree and crying until the dawn." This is related by Ibn Hibban.

'Aishah relates the incident that occurred during the fatal illness of the Prophet sallallahu alehi wasallam. The Messenger of Allah said: "Order Abu Bakr to lead the people in prayer." 'Aishah responded: "O Messenger of Allah, Abu Bakr is a very soft-hearted man and he cannot control his tears, and if he recites the Qur'an, he cries." 'Aishah later admitted: "I said that only because I hated that the people should blame Abu Bakr for being the first to take the place of the Messenger of Allah." The Messenger of Allah said: "Order Abu Bakr to lead the people in salah. You women are like the companions of Yusuf." This is related by Ahmad, Abu Dawud, Ibn Hibban, and at-Tirmizhi who calls it sahih. The fact that the Prophet insisted that Abu Bakr lead the salah after he was inforrned that he would be overcome by weeping proves that it is permissible to cry while praying.

'Umar prayed fajr and recited Surah Yusuf, and when he reached the verse "I expose my distress and anguish only unto Allah," he raised his voice in crying. This is related by al-Bukhari, Sa'id ibn Mansur, and ibn al-Munzhir. In 'Umar's raising his voice in crying is a refutation of those who say that crying invalidates the salah if it causes a sound from the mouth, regardless of whether it is due to the fear of Allah or not. They argue that sound from the mouth due to crying is like speaking, but this is not acceptable as crying and speaking are two different things.

### Fiqh 2.82: Turning to a side due to some need

Ibn Abbas relates: "The Messenger of Allah would turn to his right and left he would not turn his head to see behind him." This is related by Ahmad.

Abu Dawud records that when the Prophet sallallahu alehi wasallam prayed, "he looked toward a valley because he had sent some horsemen to guard the valley."

Anas ibn Sireen says: "I saw Anas ibn Malik lift his eyes to something while he was praying." This is related by Ahmad.

### Fiqh 2.82 a: Unneccessary turning during prayer

Turning to look at something without any genuine need is disliked, for it is against the etiqettes of humility while facing Allah in Prayer.

'Aishah says: "I asked the Messenger of Allah about turning in salah and he said: 'It is the portion that the Satan steals from the slave's prayer.'" This is related by Ahmad, al-Bukhari, an-Nasa'i, and Abu Dawud.

Abu ad-Darda' narrates from the Prophet: "O people, be careful about turning for there is no salah for the one who turns. If you must do it, do it in the voluntary prayers and not in the obligatory prayers." This is related by Ahmad.

Anas relates that the Messenger of Allah said to him: "Be careful about turning during the salah as turning in the salah is disastrous. If you must do it, then do it in the voluntary prayers but not in the obligatory prayers." This is related by at-Tirmizhi who calls it sahih.

In the hadith of al-Harith al-Ash'ari, the Prophet sallallahu alehi wasallam said: "Allah gave Yahya, son of Zakariyah, five commands that he was to abide by and was to order the tribe of Isra'el to abide by..." One of them was, "Verily, Allah orders you to pray, and when you pray, do not tum for Allah looks to the face of His slave in salah as long as he does not turn." This is related by Ahmad and an-Nasa'i.

Abu Zharr reported that the Prophet said: "Allah faces the slave while he is in the salah and keeps facing him as long as he does not turn. If [the slave] turns, [Allah] turns away from him." This is related by Ahmad and by Abu Dawud who said its chain of narrators (isnad) is sahih. The preceding hadith is concerned with turning the face during the salah. If one turns the whole (upper) body away from the qiblah, then the salah is invalidated, for not fulfilling the requirment of facing the qiblah. On this point, there is no difference of opinion.

### Fiqh 2.83: Killing a snake, scorpion or other harmful animals

If killing these would only require a small action on the part of the person in salah, then there is no harm in doing it. Abu Hurairah reported that the Prophet sallallahu alehi wasallam said: "Kill the snake and the scorpion during the salah." This is related by Ahmad, at-Tirmizhi, Abu Dawud, an-Nasa'i, and Ibn Majah. The hadith is hasan sahih.

### Fiqh 2.83 a: Taking a few steps due to some necessity

'Aishah said: "The Messenger of Allah was offering salah in the house and the door was locked. I came and knocked on the door and he walked over to open it for me and then he returned to his place of prayer. The door was in the direction of the qiblah." This is related by Ahmad, Abu Dawud, an-Nasa'i, and atTirmizhi. The latter calls it hasan. It may be observed that in this hadith, he did not turn away from the qiblah either in opening the door, or in returning to his place. This is supported by what has been related that the Prophet would pray and if anyone knocked on the door, he would open the door provided the door was in the direction of the qiblah or on his right or on his left, but he would not turn his back to the qiblah. This is related by ad-Daraqutni.

Al-Azraq ibn Qais relates: "Abu Barzah Al-Aslami was at al-Ahwas, at the bank of a river, and he prayed while holding the reins of his horse. The horse started going back, and he (i.e.Abu Barzah) followed the horse. A man from the Khawarij said: 'O Allah, be rough on this man, see how he is doing his prayer.' When Abu Barzah finished his prayer, he said: 'I heard your statement. Certainly, I participated in six or seven or eight battles with the Prophet, and I am certainly aware of his leniency. Certainly, I would rather restrain my animal than let him run off loose as that would have caused me a great deal of trouble.' It was 'Asr prayer that Abu Barzah offered, and he prayed two rak'at." This is related by Ahmad, al-Bukhari, and al-Baihaqi.

Concerning taking a lot of steps, Ibn Hajr says in Fath al-Bari: "The jurists are agreed that taking many steps invalidates an obligatory prayer. They interpret the hadith of Abu Barzah as referring to taking just a few steps."

## Fiqh 2.84: Carrying and holding a child during the salah

Abu Qatadah reports that the Prophet sallallahu alehi wasallam was offering salah and Umamah bint Zainab was on his neck [shoulder]. When he performed ruku', he put her down, and when he got up from his sajdah, he would place her back on his neck. 'Amr inquired during which salah this happened. Ibn Juraij said that it is related from Zaid ibn Abu 'Atab from 'Amr ibn Salim that this happened in the morning prayer. This is related by Ahmad, anNasa'i, and others. Al-Fakihani comments: "The purpose behind the action of the Prophet of carrying Umamah in the salah was to set an example before the Arabs who considered having daughters and carrying them around as something bad or shameful. The Prophet sallallahu alehi wasallam acted differently from them, and carried a girl on his neck in the prayer, and making something clear by example is much more effective than a mere precept."

'Abdullah ibn Shidad relates that his father said: "The Messenger of Allah came to us either during the noon or afternoon prayers and he was carrying Hassan or Hussain. The Prophet proceeded to the front and put him down and made the takbir for the salah. During the salah, he made a long sajdah. I raised my head and saw the child on the back of the Messenger of Allah while he was in sajdah. I returned to my sajdah. When the Messenger of Allah finished the salah, the people said to him: 'O Messenger of Allah, you prostrated during your salah so long that we suspected you were thinking about some matter or you were receiving some revelation.' He said: 'None of that happened but my son was resting and I hated to rush him until he had finished what he desired."' This is related by Ahmad, an-Nasa'i, and al-Hakim.

An-Nawawi observes that this, according to the opinion of ash-Shaf'i and those who agree with him, points to the permissibility of carrying or holding a young child, male or female, or any pure animal during an obligatory prayer, and that it is permissible for both the imam and the followers. The companions of Malik say that the permissibility is only for voluntary prayers and not for obligatory prayers. This interpretation is incorrect as it is clear that the Prophet was leading one of the obligatory prayers, and as stated earlier it was the fajr prayer. Some followers of Malik claim that its permissibility has been abograted, while others say it was only permissible for the Prophet, and yet others hold that it was due to some necessity. All of this is wrong and to be rejected as there is no proof for any of it or any necessity. The authentic hadith clearly states that it is permissible and there is nothing in that ruling which contradicts any basic principle of the shari'ah as a human being is pure and what is in his/her abdomen is not relevant in this regard, as it remains within the stomach, its natural receptacle. Also, the clothing of a child is considered pure and the shari'ah is quite explicit on this point. Actions during the salah do not invalidate it if they are minor or few or dispersed. The fact that the Prophet sallallahu alehi wasallam did this is an exposition of its permissibility, and this argument is built upon the principle which we have mentioned before. This refutes what Abu Sulaiman al-Khattabi says, namely, that the Prophet did not carry the child intentionally but the child was holding onto the Prophet, and when he stood the child remained with him. He said: "Do not think that he held him again intentionally as that would be too much action and would distract the heart. If a curtain distracted him, how could [the child] not distract him?" This statement by al-Khattabi, may Allah have mercy on him, is incorrect and to be rejected. Among the things that refute it are the statements in Sahih Muslim, "when he stood, he carried him." And, "when he got up from his sajdah, he would return [the child to his place]." Further refutations are derived from a version other than Sahih Muslim, "He came to us while carrying Umamah and prayed..." Concerning the ruling about the curtain, it distracts the heart without there being any benefit to it. Concerning carrying Umamah, we are not convinced that it distracts the heart, and even if it does, it is allowed due to its benefit and the principles that we have mentioned. The source of that preoccupation is that benefit, which differs from the incident concerning the curtain. Thus, the correct position is that the hadith is a clear exposition that it is permissible to carry a child in salah and this will continue to be part of the Islamic law until the Day of Judgment. And Allah knows best.

## Fiqh 2.85: Returning a Greeting by a motion

The one in salah who is greeted or spoken to may reply to the one who greets or speaks to him by making some motion.

Jabir said: "The Messenger of Allah sent me somewhere while he was going to the tribe of Mustaliq. I came to him and he was praying while on the back of his camel. [When] I spoke to him, he and Zubair motioned with their hands. I heard him reciting and saw him gesturing with his head. When he finished, he said: 'What have you done about the thing I sent you for? Nothing kept me from talking to you save that I was in salah.'" This is related by Ahmad and Muslim.

'Abdullah ibn 'Umar narrates that Suhaib said: "I passed by the Messenger of Allah while he was offering salah. I greeted him and he responded to me by only signaling." 'Abdullah said: "The only thing that I know is that he said he signaled to him with his finger." This is related by Ahmad and by at-Tirmizhi. The latter calls it sahih.

'Abdullah ibn 'Umar says: "I asked Suhaib: 'How did the Messenger of Allah respond to the people when they greeted him while he was praying?' He said: 'He would signal to them with his hand.'" This is related by Ahmad, at-Tirmizhi, Abu Dawud, an-Nasa'i, and Ibn Majah.

Anas says that the Prophet would signal while offering salah. This is related by Ahmad, Abu Dawud, and Ibn Khuzaimah and its isnad is sahih.

The same applies to signaling with one's finger or hand or by nodding the head. All of these actions have been related from the Prophet sallallahu alehi wasallam.

## Fiqh 2.86: Saying Subhanallah and clapping

It is allowed for men to say subhanallah and for women to clap if there is some need to do so (such as alerting the imam to a mistake or informing someone that he or she may enter the room or to warn a blind person, and so on). Sahl ibn Sa'd asSa'di relates that the Prophet said: "If someone is faced with something during the salah, he should say 'subhanallah.' Clapping is for the women and saying subhanallah is for the men." This is related by Ahmad, Abu Dawud, and an-Nasa'i.

## Fiqh 2.86 a: Correcting the imam's mistake

If the imam forgets a verse, it is permissible for a follower to remind him of it, regardless of whether the recitation is a part of the obligatory recitation or not. Ibn 'Umar reports that the Messenger of Allah prayed and had some confusion in his recitation. When he finished, he said to 'Umar: "Were you present with us [during the prayer]?" He replied: "Yes." So, the Prophet sallallahu alehi wasallam asked him: "What prevented you from correcting me?" This is related by Abu Dawud and others and its narrators are trustworthy.

## Fiqh 2.86 b: Praising Allah when one sneezes or recalls to mind a blessing

Rifa'ah ibn Rafi' relates: "I prayed behind the Messenger of Allah, and I sneezed and said, 'Praise be to Allah, a great deal of praise, beautiful and blessed, as our Lord loves and is pleased with.' [Afterward,] the Messenger of Allah asked: 'Who spoke during the salah?' No one said anything. He asked again, and no one said anything. He asked again, and I said: 'It was I, O Messenger of Allah!' He then said: 'By the One in whose hand is Muhammad's soul, thirty some odd angels raced to get that phrase to raise it [to the Lord].'" This is related by an-Nasa'i and at-Tirmizhi, and by al-Bukhari with a different wording.

## Fiqh 2.86 c: Prostrating upon one's clothing or headdress due to some excuse

Ibn 'Abbas reports that the Messenger of Allah prayed in one garment and covered his face with a portion of it to avoid the heat or coldness of the ground. This is related by Ahmad with a sahih isnad (chain). It is disliked if it is done without any genuine reason.

## Fiqh 2.87: A summary of other acts which are permissible during the prayer

Ibn al-Qayyim has summarized some of the acts which are permissible during the salah and which the Prophet sallallahu alehi wasallam used to perform at times. He writes:

The Prophet would pray and 'Aishah would be lying between him and the qiblah. When he performed sajdah, he would signal to her with his hand and she would pull back her leg and when he would stand she would stretch out her leg again. The Prophet was praying and the Satan came to him to disturb his salah and the Prophet choked until his saliva came upon his hand. And the Prophet would pray upon the pulpit, making ruku' there, but when the time came to perform sajdah, he would descend, moving backward, and prostrate upon the ground, and then return to the pulpit. He once prayed toward a wall and an animal tried to pass between him and the wall. The Prophet prevented the animal from passing to the extent that its stomach was against the wall. Once while he was praying, two girls from the tribe of 'Abd al-Muttalib were fighting behind him and he separated them with his arms while he was praying. Ahmad's version says that they grabbed unto his knees and he separated them without leaving the salah. On another occasion, when he was praying, a boy came to him and he motioned to him to move back, and he moved back. Then a girl tried to pass in front of him, he beckoned her to move back, but the girl passed, and when he finished, he said: "They are more determined." Ahmad recorded it and it is also in the Sunan. He would also puff out air while praying. The hadith which states: " Puffing out is speech" cannot be traced to the Messenger of Allah, but Sa'id related it in his Sunan from Ibn 'Abbas as one of Ibn 'Abbas' statements - if it is authentic. The Prophet would cry during his salah and would also clear his throat while praying. 'Ali ibn Abi Talib said: "I had a certain time at which I would visit the Messenger of Allah. When I came to him, he would permit me to enter. If I found him praying, he would clear his throat and I would enter. If he was free, he would give me permission to enter." This is recorded by an-Nasa'i and Ahmad. Ahmad's version says: "I could enter upon the Prophet during the day or night. If I came to him while he was praying, he would clear his throat [as a sign that I may enter]. This was related by Ahmad who used to act by it and he was not of the opinion that clearing one's throat invalidated the salah. Sometimes the Prophet would pray barefoot and sometimes while wearing shoes. This is what 'Abdullah ibn 'Umar said and he ordered people to pray with shoes on in order to differ from the Jews. Sometimes he would pray in one garment and sometimes in two garments and [this latter] was the majority of the cases.

## Fiqh 2.88: Reciting from a copy of the Qur'an

Zhakwan, the protege of 'Aishah, would lead her in prayer during Ramadan while reciting from a copy of the Qur'an. This is related by Malik. Ash-Shaf'i's opinion is that it is allowable. An-Nawawi holds: "If one sometimes turns pages during a salah, it does not invalidate it. If he looks at something that is written which is not the Qur'an and he reads it to himself, it does not invalidate the salah, even if it is done for a long period of time, nevertheless, it is a hated act." Ash-Shaf'i has made a statement about it in al-Imla'.

## Fiqh 2.89: Occupying the heart with something other than the affairs of the prayer

Abu Hurairah repons that the Prophet sallallahu alehi wasallam said: "When the call to prayer is made, the Satan takes to his heels... and when it is finished, he returns. He flees again when the iqamah is made and when it is finished, he returns until he comes between the man and his thoughts, saying: 'Remember this and remember that,' which he had not recalled, until the person does not know how much he has prayed, [i.e.,] three or four rak'at. Then, he makes two prostrations while sitting." This is reported by al-Bukhari and Muslim.

Al-Bukhari also records that 'Umar said: "I arrange the troops [in my mind] during the salah." Although it is true that such a salah is valid and sufficient, it is a must for the person in prayer to keep his mind and heart attuned to the salah and his Lord and to keep his thoughts on the meaning of the Qur'anic verses and the significance of the different acts of the salah since a person has for him only that portion of the salah which he is fully aware of [while performing it].

Au Dawud, an-Nasa'i, and Ibn Hibban record from 'Ammar ibn Yasir that he heard the Messenger of Allah say: "A man may complete the salah and only have recorded for himself one-tenth or one-ninth or one-eighth or one-seventh or one-fifth or one-fourth or one third or one-half."

**Al-Bazzar records from Ibn 'Abbas that the Messenger of Allah said: "Allah, the Glorious, said: 'I accept the salah of one who humbles himself during it to My Greatness; and who does not perform the salah just for show; and who does not spend the night in disobedience to Me; and who spends the day remembering Me; and who is merciful to the poor, the wayfarer and the widows; and who is merciful to one who is suffering from an infliction. He has a light like the light of the sun. I protect him by My Glory and the angels guard over him. I give him light in darkness and sobriety in the presence of ignorance. And his similitude in My creation is like al-Firdaus in Paradise."'**

**Abu Dawud records from Zaid ibn Khalid that the Messenger of Allah said: "Whoever makes ablution and perfects it and then prays two rak'at, without being unheedful during them, forgiven for him will be his previous sins." Muslim records that 'Uthman ibn Abi al-'Aas said: "O Messenger of Allah, the Satan comes between me and my prayers and my recitation, confusing me therein!" The Prophet said: "That Satan is called Khanzab. If he affects you seek refuge in Allah from him and 'spit out' on your left side three times."**

**Muslim records from Abu Hurairah that the Messenger of Allah said: "Allah, the Glorious, said: 'I have divided the salah [i.e., al-Fatihah] into two halves, between Me and My slave, and my slave shall receive what he asks for.' When the slave says 'All praise is due to Allah, the Lord of the Worlds,' Allah, the Exalted, says 'My slave has praised Me.' When he says 'The Compassionate, the Merciful,' Allah, the Exalted, says 'My slave has lauded Me.' When he says 'Master of the Day of Judgment.' Allah, the Exalted says 'My servant has glorified Me and entrusted his affairs to Me.' And when he says 'It is Thee we worship and from Thee that we seek aid,' Allah, the Exalted, says 'This is between Me and My slave. And for My slave is what he asks.' And when he says 'Guide us to the straight path, the path of those whom you have blessed and not of those with whom you are angry nor of those who have gone astray.' Allah says 'That is for My slave and My slave shall get what he asks for.'"**

**It is disliked for anyone to leave any of the sunnah acts described earlier**

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## Fiqh 2.91: Fidgeting with one's clothing or one's body is disliked unless there is some need to do so

Ma'yaqib says: "I asked the Prophet about dusting [away] the pebbles during the salah, and the Prophet said: 'Do not dust [away] the pebbles while you are praying, but if you must do it, then do it only once in order to level the pebbles.'" This is related by the group.

Abu Zharr reports that the Prophet said: "When one of you stands for the salah, mercy is facing him. Therefore, he should not wipe away the pebbles." This is related by Ahmad, at-Tirmizhi, Abu Dawud, an-Nasa'i, and Ibn Majah.

Umm Salamah reports that there was a boy called Yassar who would puff out some air during the salah. The Messenger of Allah said to him: "May Allah fill your face with dust!" This is related by Ahmad with a good chain.

### Fiqh 2.91 a: Placing one's hands on hips during the prayer

Abu Hurairah relates: "The Messenger of Allah prohibited putting one's hands on one's hips during the salah." This is related by Abu Dawud.

### Fiqh 2.91 b: Raising one's sight to the sky or upwards

Abu Hurairah reports that the Messenger of Allah said: "Those who raise their sight to the sky during the prayer should stop doing so or their sight may be taken away." This is related by Ahmad, Muslim, and an-Nasa'i.

### Fiqh 2.92: Looking at something which distracts attention

'Aishah reports that the Messenger of Allah prayed in a cloak which had some designs on it. He said: "These designs have distracted me. Take [this cloak] to Abu Jahm [i.e., the person who gave it to the Prophet] and bring me a plain cloak." This is related by al-Bukhari and Muslim.

Al-Bukhari records that Anas said: "'Aishah had a curtain to cover [the doorway of] her house. The Prophet said to her: 'Remove your curtain for its picturcs always distract me during my prayers.'" This hadith proves that looking at some writing or design does not invalidate the salah.

### Fiqh 2.92 a: Closing one's eyes

Some say that this act is disliked while others hold that it is allowed, though disliked. Those hadith which state it is disliked are not authentic.

Ibn al-Qayyim said: "The correct position is: if keeping one's eyes open does not affect one's attention, then it is preferred to keep them open; however, if there is something in front of the person, such as some ornament or decoration, which could affect his attention, then it is, in no way, disliked to close his eyes. In fact, under such circumstances, to say it is preferred to close one's eyes is more consistent with the principles and goals of the shar'iah than to say that it is disliked."

### Fiqh 2.92 b: Motioning with both hands while making the salutations [i.e., the taslim]

Jabir ibn Samurah said: "We prayed behind the Prophet and he said: 'What is wrong with them that they make salutation with their hands as if they were the tails of horses? It is enough for you to place your hand on your thigh and say, as salam 'alaikum, as salam 'alaikum!'" This is related by an-Nasa'i and others.

### Fiqh 2.92 c: Covering the mouth and letting one's garment down until it touches the ground

Abu Hurairah said: "The Messenger of Allah prohibited assadl in the salah and prohibited a man to cover his mouth." This is related by the five and by al-Hakim who says that it is sahih according to Muslim's conditions. Al-Khattabi explains: "As-sadl is to lower one's garment until it reaches the ground." Al-Kamal ibn al-Hamam adds: "This also applies to wearing a cloak without putting one's arms through its sleeves."

### Fiqh 2.92 d: Performing the salah while the food has been served

'Aishah reports that the Prophet said: "If dinner is served and the prayer is ready, start with the dinner [first]." This is related by Ahmad and Muslim.

Naf'i reports that the food would be served for Ibn 'Umar while the iqamah was being made, but he would not come to the salah until he finished his meal although he could hear the reciting of the imam. This is related by al-Bukhari.

Al-Khattabi says: "The Prophet ordered that one should begin with one's meal in order to satisfy his need. In this way, he will come to the salah in calm and his desire or hunger will not disturb the completion or perfection of his ruku' and sajjud and the rest of the acts of the salah."

### Fiqh 2.93: Praying when one needs to anwer the call of nature and other things that may distract a person

Thauban reports that the Messenger of Allah said: "There are three acts which are not allowed: For a person to lead a people in prayer and then make supplications for himself without including them, for then he would be dishonest to them; to look inside a house without obtaining permission, for if he does so (it is as if) he has already entered it (without permission); and to offer prayer while he needs to answer the call of nature until he relieves himself." This is related by Ahmad, Abu Dawud, and at-Tirmizhi who calls it hasan.

'Aishah reported that she heard the Messenger of Allah say: "No one should pray when the food is served nor when one needs to answer the call of nature." This is related by Ahmad, Muslim, and Abu Dawud.

### Fiqh 2.93 a: Praying when one is overcome by sleep

'Aishah reports that the Messenger of Allah said: "When one of you becomes drowsy in salah, he should lie down until he is fresh again; otherwise, he will not know if he is asking forgiveness or vilifying himself." This is related by the group.

Abu Hurairah reports that the Messenger of Allah said: "When one of you gets up at night for salah and his tongue falters in reciting the Qur'an and he is not certain about what he is reciting, he should sleep." This is related by Ahmad and Muslim.

### Fiqh 2.93 b: Praying at a fixed place in the mosque [except in the case of the imam]

'Abdurrahman ibn Shabl said: "The Prophet prohibited pecking like a crow [i.e., while prostrating], imitating a lion's manner of sitting, and a man to pick a special place in the mosque [to pray] like a camel has his own place [to sit]." This is related by Ahmad, ibn Khuzaimah, ibn Hibban, and by al-Hakaim who calls it sahih.

### Fiqh 2.95: Intentionally eating or drinking invalidates the salah

Ibn al-Munzhir says: "The people of knowledge agree that if one intentionally eats or drinks during a

fard salah, he is to repeat the salah. The same is the case with nawafil according to the majority of scholars as what invalidates an obligatory (fard) prayer also invalidates a voluntary (nafl) prayer."

## Fiqh 2.95 a: Speaking intentionally about something unrelated to the salah invalidates the salah

Intentionally speaking during the salah, if it is not beneficial to the salah, invalidates the salah.

Zaid ibn Arqam relates: "We used to talk while we were in salah and a person would speak to the person next to him until the verse was revealed: 'And stand before Allah in devout obedience' and we were then commanded to observe silence during the salah." This is related by the group.

Ibn Mas'ud reports: "We used to greet the Messenger of Allah while he was in salah and he would respond to our greeting. When we returned from Abyssinia, we greeted him [during prayer] but he did not respond to our salutation. We said to him: 'O Messenger of Allah, we used to greet you while you were in salah and you used to respond to us!' He then said: 'Prayer demands one's complete attention.'" This is related by al-Bukhari and Muslim.

If one is ignorant of this ruling or speaks due to the fact that he has forgotten this ruling, his salah will still be valid

Mu'awiyyah ibn alHakam said: "I was praying behind the Messenger of Allah and someone in the congregation sneezed. I said [to him]: 'May Allah have mercy upon you.' The people then stared at me, showing their disapproval of my act. I said: 'Woe to me, why do you stare at me so?' They started to strike their hands on their thighs and when I saw that they wanted me to become silent, I was angered but said nothing. When the Messenger of Allah finished the prayer - and may my father and mother be ransomed for him, I found no teacher better than him either before or after him - he did not scold, beat, or revile me but he simply said: 'Talking to others is not seemly during the salah, for the salah is for glorifying Allah, extolling His Greatness, and reciting the Qur'an.'" This is related by Ahmad, Muslim, Abu Dawud, and an-Nasa'i. Mu'awiyyah ibn al-Hakam spoke out of ignorance of this ruling and the Prophet sallallahu alehi wasallam did not order him to repeat his salah.

Talking [if it is a reminder as to the incompleteness of the salah], does not nullify the salah as can be seen in the following hadith. Abu Hurairah says: "The Messenger of Allah led us in either the noon or after-noon prayers and he made the taslim after praying just two rak'at. Zhul Yadain said to the Prophet: 'O Messenger of Allah, has the salah been shortened or have you forgotten [part of it]?' The Prophet sallallahu alehi wassalam said: 'It has not been shortened, nor did I forget any part of it." He said: 'Yes, O Messenger of Allah, you did forget.' Thereupon the Prophet asked (the people): 'Is Zhul Yadain correct in what he says?' The people said: 'He is correct, you offered only two rak'at.' Then, the Prophet prayed the two remaining rak'at and made the taslim, said the takbir and performed the sajdah, sat and made the takbir and performed the sajdah again, and finally said the takbir and sat again." This is related by al-Bukhari and Muslim.

The Maliki school allows talking during the prayer if it is done for any good of the salah as long as it does not become a common practice and (is done) only when saying subhanallah fails to alert the imam to correct his mistake. Al-Auza'i's comments are: "Whoever intentionally speaks during the salah, seeking some benefit to the salah, does not invalidate his salah." He said that if a person recites aloud in the 'asr and someone behind him says: "It is the 'asr," (i.e., the recital is not to be aloud) then the latter person would not invalidate his salah.

## Fiqh 2.96: Intentionally making many motions

The scholars differ over what exactly constitutes a few motions and what constitutes many motions. Some say that one makes many motions when, if seen from behind, one would be certain that he was not performing salah, and anything less than that amount is considered only a few motions. Some say that it is any act or string of actions which would make others believe that the person is not praying.

An-Nawawi says: "If a person performs a lot of actions that are not part of the salah, he invalidates his salah, and, on this point, there is no difference of opinion. If the acts are few, then they do not invalidate the salah and, on this point, there also is no difference of opinion. This is the exact position. However, there does exist a difference of opinion over what exactly constitutes a few actions and many actions, [and there exist four opinions on this point..." He says that the fourth opinion is the correct and most popular opinion. The fourth opinion is that the exact definitions of too much and too little are determined by generally accepted standards. One is not harmed in his salah by common acts such as nodding in reply to a salutation, taking off one's shoes, raising the headdress and putting it back in place, putting on or taking off a light garment, carrying or holding a small child, preventing someone from passing in front of the person in prayer, covering one's spittle in one's clothing and similar other actions. As for the other acts, those which are considered to constitute many actions (e.g., taking many consecutive steps, performing actions repeatedly) they invalidate the prayer. An-Nawawi also says: "The scholars are in agreement that many actions invalidate the prayer if they are performed consecutively [i.e., one after another]. If one separates the actions, for instance, taking a step and then stopping for a while, then taking another step or two, and then another two steps, after a pause (though a short one) between them, then the salah will not be harmed, even if he (in this manner should take a hundred or more steps. There is no difference of opinion on this point. As for light actions," he continues, "such as, moving one's finger in glorifying Allah or in itching, and so forth., these do not invalidate the prayer according to the well-known, authentic opinion, even when they are done repeatedly and consecutively, but they are disliked." AshShaf'i, in a statement concerning it, says: "Even if one counts the verses on one's fingers, it would not invalidate one's salah, but it is best to avoid [such an act]."

## Fiqh 2.97: Intentionally leaving out an essential act or condition of the prayer without any valid excuse for doing so

Al-Bukhari and Muslim record that the Prophet sallallahu alehi wasallam told a bedouin who had not performed his salah well: "Return and pray for you have not prayed." (This hadith was mentioned earlier.)

Ibn Rushd writes: "There is an agreement that if one prays and he is not in a state of purity, it is obligatory for him to repeat the prayer, [that is true if the act was done] intentionally or out of forgetfulness. Similarly, one who prays without facing the qiblah, intentionally or due to forgetfulness, [must repeat the salah]. In general, if any of the conditions for the correctness of the salah are absent, it becomes obligatory to repeat the salah. "

## Fiqh 2.98: Smiling or laughing during the salah

Ibn al-Munzhir records that there is a consensus of opinion that laughing (during the salah) invalidates the prayer. An-Nawawi says: "This is the case if one laughs aloud, and produces sound. Most of the scholars say that there is no problem with smiling. If one is overcome by laughter and cannot control it, his salah will not become invalid if it is of minor nature. If it is a hearty laughter, it will invalidate the salah. Custom would determine whether it is a major or a minor laughter."

## Fiqh 2.99: Making (Qada') for missed salah

The scholars agree that it is obligatory for one who has forgotten the salah or slept through its time to make up the missed [qada') prayer. This opinion is based on the hadith of the Prophet mentioned earlier: "There is no negligence while one is asleep but forgetfulness occurs when one is awake. If one of you forgets the prayer or sleeps through its time, then he should perform the salah when he recalls it." If one falls unconscious, then he need not repeat the salah, unless he regains his consciousness with enough time to purify himself and perform the salah within its proper time.

'Abdurrazaq relates from Naf'i that Ibn 'Umar once fell sick and became unconscious and missed the prayer. When he regained his consciousness, he did not make up the missed prayer.

Ibn Juraij reports from Ibn Tawus on the authority of his father that if a sick person becomes

unconscious, he is not to make up the prayers he missed .

Mu'ammar relates: "I asked az-Zuhri about one who becomes unconscious, and he said that he is not to make up the salah he missed."

Hamad ibn Salamah relates from Yunus ibn 'Ubaid that both al-Hassan al-Basri and Muhammad ibn Sireen said that a person who falls unconscious is not to make up the prayers he may miss.

Concerning missing a salah intentionally, the majority of the scholars say that it is a sin and the missed salah must be made up for. Ibn Taimaiyyah says:

Fiqh 2.99 a: In law, there is no way for one who leaves a salah intentionally to make its qada'

He may however, resort to increasing his voluntary and supererogatory acts. Ibn Hazm has thoroughly discussed this question. The following is a summary of what he says on this subject:

Concerning one who leaves a salah intentionally until its time expires, he will never be able to make up for that salah. Such a person should turn to Allah and ask His forgivness and increase his good deeds and nawafil in order to increase his weight [of good] on the Day of Resurrection. Abu Hanifah, Malik, and ash-Shaf'i say that he can make up the prayer after its time has expired, and Malik and Abu Hanifa even say that if a person intentionally misses a prayer or a few prayers, then he is to make up those prayers before he prays the present salah, even if he has missed all five prayers and should, while making them up, miss the present salah. They say that if he missed more than five prayers, he is to begin by praying the salah whose time is present [and then he is to make up the prayers he missed]. The proof for our position [i.e, the position of Ibn Hazm] is found in the words of Allah, the Exalted: "Woe unto the worshippers who are heedless of their prayers," and: "And then there succeeded them a later generation who wasted the prayers and followed their own lusts, but they will meet with destruction." If one who intentionally misses a salah could make it up later, then why is it mentioned with affliction or transgression? Of course, there is no affliction or transgression on one who delays the salah. But the case of one who procrastinates until the last portion of its permissible time expires is quite different. Allah, the Exalted, has appointed certain times for the fard salah; both the beginning time and the ending time for the salah have been established, and there is no difference between praying a salah before its time and praying it after its proper time elapses because, in both cases the salah is not performed within its prescribed time. This is not to draw an analogy between one and the other but it is applying the same rule to them as they both must be performed within the limits set by Allah. Allah, the Exalted, says: "Whoever transgresses the limits set by Allah has verily wronged his own soul!" : The principle of making qada' must be established by the proper sources of Islamic law. Legislating [in shari'ah] is not permissible, save by Allah's authority as evidenced by His Prophet.

We ask those people who say that one may make qada' for a salah which he misses intentionally: "Tell us about this salah that you want him to perfom, is it the same salah that Allah ordered him to perform or is it a different one?" If they say it is the same one, then we may say to them: "Then one who misses it intentionally is not guilty of being disobedient [to Allah, the Exalted], as he has done what Allah had ordered him to do, and there is no sin upon him according to your statement and likewise there should be no blame upon one who intentionally delays a salah until its time expires, but that is not an acceptable position for any Muslim." If they say that it is not the salah which Allah ordered, we may say: "You have told the truth," and this is a sufficient confession from them. Then, we may ask them: "Is one who intentionally leaves the salah until its time expires being obedient or disobedient to Allah?" If they say obedient, they will be differing from the consensus of the Muslims and the Qur'an and the confirmed sunnah. If they say he is being disobedient, they are speaking the truth and it is not valid that an act of disobedience should replace an act of obedience. Also, Allah, the Exalted, has set specific limits, through the tongue of His Messenger, for the times of the salah. Each salah has a specific beginning time, and no one may perform the salah before that time, and each prayer has a specific ending time, and no one may perform the salah after that time. No one of this ummah will dispute that point. However, if one is allowed to pray after the time set by the Messenger of Allah, then setting an ending time for the salah has no meaning to it. Such an opinion is nonsense and may Allah,

the Exalted, keep us from it. Every action is connected with a certain time and it is not valid outside of that time; if it was valid outside of that time, what would be the purpose of that time being specifically singled out for that act? [The logic of this argument] is clear and Allah, the Almighty, is our Supporter.

Ibn Hazm discusses this point at great length, and adds: "If making up a salah is obligatory for one who has left a salah, even after its time has expired, why is it that Allah and His Messenger have chosen not to mention that fact as (surely) they did not forget it: "And your Lord is not forgetful!" Any law that is not based on the Qur'an or the sunnah is not valid. It has been authentically reported that the Prophet said: "Whoever misses the 'asr salah, it is as if he has lost his family and his property." It is correct to say that if one "misses" something, he cannot make it up, for if he makes it up or could make it up, the act would not be "missed." The entire Muslim ummah is in agreement with the statement and ruling that if the time of the salah has elapsed, then the salah is "over" [i.e., "qada" in Arabic], but if one can make it up, the statement that the salah is "over" becomes false and untrue; therefore, there is no way that it could ever be made up. The people who agree with us on this include 'Umar ibn al-Khattab, his son 'Abdullah, Sa'd ibn Abi Waqas, Salman al-Farsi, ibn Mas'ud, al-Qasim ibn Muhammad ibn Abu Bakr, Budail al-'Uqaili, Muhammad ibn Sireen, Mutraf ibn 'Abdullah, 'Umar ibn 'Abdulaziz, and others. Allah has left no excuse, for anyone required to perform the salah, to delay the salah from its proper time for any reason whatsoever, not even during times of fighting, fear, extreme illness, or travelling. Allah says: "And when you are among them and arrange them for salah, let only one party be with you" And: "But if you are in danger, then walking or riding." Allah, the Exalted, does not permit even the extremely sick person to delay the salah. In fact, such a person has been ordered to pray sitting, if he cannot pray standing, and if he cannot pray sitting, then he may pray on his side. Also, if one cannot make ablution with water, he may make tayammum; and if he cannot find soil to make tayammum, he may still pray. Whence has the permission been obtained that one may intentionally leave the salah until its time is finished and who has ordered that it be performed after its time and how is it that the belated salah would be sufficient? None of this is derived from the Qur'an, Sunnah, Qiyas (analogical reasoning), and so forth.

Ibn Hazm further says: "Concerning our statement that the one who intentionally leaves a salah until its time expires is to repent to Allah, the Exalted, ask for His forgiveness, pray an increased number of nawafil, and do good deeds. This statement is based on Allah's words: "Then there succeeded them a generation who missed prayers and followed after lusts. But they will meet destruction save him who repents and believes and does right. Such will enter the garden and will not be wronged," and: "...those who, when they do an evil thing or wrong themselves, remember Allah and implore forgiveness for their sins - who forgives sins, save Allah - and will not knowingly repeat the wrong they did," and: "Whoever does an atom's weight of good shall see it and whoever does an atom's weight of evil shall see it," and: "...We set a just balance for the day of resurrection so no soul shall be wronged."

This [Muslim] ummah is in agreement, and there are texts that state that voluntary acts are a type of good deeds and Allah knows how much they are really worth. It necessarily follows that a number of voluntary works may be equivalent in merit to an obligatory deed and may even amount to a greater merit. Furthermore, Allah has informed us that He does not waste the action of any person and that the good deeds erase the evil ones.

## Fiqh 2.103: The prayer of a person who is ill (Salatul Marid)

Whoever has some excuse due to illness and cannot stand during the fard salah is allowed to pray sitting. If he cannot pray in a sitting posture, he may pray while on his side by making gestures. In such a case, his gestures for sajdah should be lower than those for his ruku'. This principle is based on Allah's words: "...And celebrate Allah's praises, standing, sitting, and lying on your sides."

'Imran ibn Hussain says: "I had piles [hemorrhoids], so I asked the Prophet about the prayer and he said: 'Offer the salah while standing and if you cannot do so, pray while sitting, and if you can't do that, then make salah while lying on your side."' This is related by the group, except for Muslim. An-Nasa'i adds: "And if you cannot offer salah while lying on your side, then do it while lying on your back. Allah does not burden a soul, save with what it can bear."

Jabir reports: "The Messenger of Allah visited a sick person and found him praying on a cushion. The Prophet pushed it aside and said: "Pray on the ground if you can, and if you cannot, then pray by making gestures, and make your sajdah lower than your ruku'.'" This is related by alBaihaqi .

What is meant by inability is that the person if he prays [in the regular way], will suffer hardship, or his disease will aggravate, or his recovery would be hampered, or he will swoon if he prays in the customary manner. One should sit cross-legged while praying in a sitting position.

'Aishah narrates that she saw the Prophet sallallahu alehi wasallam sitting cross-legged while praying. This is related by an-Nasa'i and al-Hakim says it is sahih.: It is also permissible to sit in the manner that one sits while performing the tashahud

One who can offer the salah neither sitting nor standing is to lie down on his side, and if he cannot do that, he is to lie down on his back with his legs toward the qiblah according to his state of health. Ibn al-Munzhir prefers this opinion. On this point, there is a weak hadith reported by 'Ali which states that the Prophet said: "The sick person is to pray standing if he is able. If he cannot do so, he should pray sitting. If he is not able to make the sajdah, he should nod with his head and make the nod of his sajjud lower than that of his ruku'. If he cannot pray in a sitting posture, he should pray while lying down on his right side facing the qiblah. If one cannot pray on his right side, he should pray while lying on his back with his legs stretched out toward the qiblah." This is related by ad-Daraqutni. Some scholars maintain that one can pray in whatever manner is easy for him. It is apparent from the hadith that if one can only nod while lying on his back, then nothing else is obligatory upon him.

### Fiqh 2.104 a: The prayer during times of fear or danger (Salatul Khauf)

The scholars are all in agreement about the legality of "fear prayer" (salatul Khauf). The Qur'an says: "When You (O Prophet) are with them, and stand to lead them in prayer, let one party of them stand up (in prayer) with you, taking their arms with them. When they finish prostrations, let them take their position in the rear. And let the other party come up which has not yet prayed - and let them pray with you, taking all precautions, and bearing arms: the unbelievers wish if you were negligent of your arms and your baggage, to assault you in a single rush. But there is no blame on you if you put away your arms because of the inconvenience of rain or because you are ill; but take (every) precaution for yourselves. For the unbelievers Allah has prepared humiliating punishment."

On this subject Imam Ahmad says: "There are six or seven confirmed hadith about 'salatul khauf,' and whichever way one performs it, it will be valid."

Ibn al-Qayyim says: "Basically, there are six ways to pray salatal khauf, although some say there are more than (six ways of praying it). Whenever they notice any difference in the narration of an incident, they describe it as a difference [in the manner of prayer] thus coming to seventeen ways. This might be due to different acts of the Prophet or simply to differences in the narrations." Al-Hafiz says: "This is the true position and its explanation is given below.

### Fiqh 2.105: Different ways of offering salatul Khauf:

1 If the enemy is not in the direction of the qiblah, then the imam should lead a group in the performance of one rak'ah after which he should wait until they complete the second rak'ah by themselves, and then, they should go and face the enemy. And the second group should come and the imam would lead them in salah while he is performing his second rak'ah. He should again wait for them to complete another rak'ah by themselves before leading them in the salutations.

Saleh ibn Khawat relates from Saleh ibn Abu Khaithimah that a group lined up with the Prophet sallallahu alehi wasallam while another group faced the enemy. He prayed one rak'ah with the group that was with him and remained standing while they finished the salah and left and faced the enemy. The second group came and prayed the remaining rak'ah with him, then he stayed sitting until they had completed their prayers individually, after which he led them in making the taslim. This is related by

the group, except for Ibn Majah.

2 If the enemy is not in the direction of the qiblah, then, the imam prays one rak'ah with one group of the army while the other group faces the enemy, after which the two groups exchange places, and the imam prays one rak'ah with the second group. The members of each group will complete one rak'ah of their prayers on their own.

Ibn 'Umar says: "The Messenger of Allah prayed one rak'ah with one group while the other group faced the enemy, [At that point, those who had prayed] took the place of their companions facing the enemy and the second group came and prayed one rak'ah with the Prophet and then he made the taslim. Then each group made (the remaining) one rak'ah." This is related by al-Bukhari, Muslim, and Ahmad. It is apparent that the second group completed their salah after the imam made the taslim without discontinuing their salah (i.e., for them, it was two continuous rak'at), and the first group did not complete their salah until the second group had completed their salah and went back to face the enemy. Ibn Mas'ud says: "Then, he made the taslim and they stood up to finish the second rak'ah individually and, then they made their taslim."

3 The imam prays two rak'at with each group, the first two rak'at being his fard salah and the latter two being nafl. It is allowed for one who is making a nafl to lead others in salah who are praying fard. Jabir reports that the Prophet prayed two rak'at with one group of his companions and then another two rak'at with another group and then he made the taslim. This is related by ash-Shaf'i and an-Nasa'i.

Abu Dawud, Ahmad, and an-Nasa'i record that he said: "The Prophet prayed the salatul Khauf with us, and he prayed two rak'at with some of his companions, and then the others came and took their places and he prayed two rak'at with them, and he made the taslim. So, the Prophet prayed four rak'at and the people prayed two rak'at each."

Ahmad, al-Bukhari, and Muslim record that he said: "We were with the Prophet during the campaign of Zhat al-Riqa and the salah was made, and he prayed two rak'at with one group and then they withdrew, and he led the other group in two rak'at. The Prophet prayed four rak'at and the people prayed two rak'at."

4 If the enemy is in the direction of the qiblah, then the imam leads both of the groups in salah at the same time and they share in guarding against the enemy, and they follow the imam in every one of his actions until he performs sajdah, in which case one group will make the sajdah with him and the other will wait until they are finished and then perform their own sujjud. After the first rak'ah is finished, the people in front will move to the back and those in the back will move to the front.

Jabir said: "I prayed salatul khauf (fear prayer) with the Prophet. He arranged us in two rows behind him. The enemy was between us and the qiblah. The Prophet sallallahu alehi wasallam made the takbir and we all made the takbir. He performed the ruku' and we all made the ruku'. Then, he raised his head from the ruku' and we all raised our heads from the ruku'. Next he went down for sajdah as well as the row closest to him, while the back row stood facing the enemy until the Prophet and the first row had completed their prostrations, after which the back row made sajdah and then stood [after completing their sajjud]. Following this, those in the back row moved to the front while those in the front row moved to the back. The Prophet performed the ruku' and we all made ruku'. Then, he raised his head and we raised our heads from ruku. Afterward, he made the sajdah and the row that was previously in the back during the first rak'ah prostrated with him while the [new] back row stood facing the enemy. When the Prophet and the [new] front row had completed their sujjud, the [new] back row made the sujjud. Finally, the Prophet made the taslim and we all made the taslim. This is related by Ahmad, Muslim, an-Nasa'i, Ibn Majah, and al-Baihaqi.

5 Both of the groups begin the prayer with the imam, and then one group would guard against the enemy while the other group would pray one rak'ah with the imam, after which they would face the enemy while the other group would come and pray one rak'ah by themselves (individually) while the imam is standing. Then, they would join him in what is the imam's and their second rak'ah. At that point, the group which had gone to face the enemy would come and pray one rak'ah (their second)

individually while the others would be sitting (in salah waiting for them to sit in their second rak'ah), after which the imam would make the taslim and both groups would make the taslim together [behind the imam].

Abu Huraira reports: "I prayed salatul khauf with the Messenger of Allah during the year of the Battle of Najd. He stood to pray 'asr and one group stood with him while the other group was faced the enemy with their backs toward the qiblah. When he made the takbir, all the people made the takbir- that is, those with him and those facing the enemy. Then, he performed one rak'ah and the group with him also performed their ruku' and sujjud with him while the others were still facing the enemy. Next, the group which was with the Prophet went to face the enemy while the other group came and prayed one rak'ah and the Prophet kept standing [in prayer] as he was. Then, he performed the ruku' and the new group performed the ruku' with him and he performed the sajdah and they performed the sajdah with him. After this, the group which had gone to face the enemy came and prayed one rak'ah while the Prophet and those with him were sitting [in prayer]. Finally, the Prophet made taslim and both groups made the taslim with him. The Prophet prayed two rak'at and both groups prayed two rak'at." This is related by Ahmad, Abu Dawud, and an-Nasa' i .

6 Each group prays only one rak'ah with the imam and the imam prays a total of two rak'at whereas each group prays one. Ibn 'Abbas reports that the Prophet prayed at Zhi-qard, and he arranged the people into two rows, one row behind him and one row guarding against the enemy. The group behind him prayed one rak'ah (with him) and then left the place to the other group. The other group then came and prayed one rak'ah (with the Prophet), and [neither group] made up a rak'ah. This is related by anNasa'i and Ibn Hibban. Ibn 'Abbas also says: "Allah made the prayer obligatory on your Prophet [in the following manner]: four rak'at while resident, two while traveling, and only one during times of fear." This is related by Ahmad, Muslim, Abu Dawud, and an-Nasa'i.

### Fiqh 2.108: How to pray maghrib during times of fear

The sunset prayer is not to be shortened and there is no hadith which states how it is to be prayed during times of fear. Therefore, the scholars differ over how it is to be performed. The Hanafi and Maliki schools say that the imam is to pray two rak'at with the first group and then one rak'ah with the second group. Ash-Shaf'i and Ahmad say it is permissible for the imam to pray one rak'ah with the first group and then two rak'at with the second group as it has been related that 'Ali performed it in that manner.

### Fiqh 2.108 a: Prayer during times of extreme fear

If the fear [of the enemy] is great or fighting is taking place, each person is to pray individually to the best of his ability - that is, standing or riding, facing the qiblah or not facing the qiblah, making gestures for the ruku' and sajjud- whatever he can do. He should make the gesture for his sajjud lower than that for his ruku'. He is excused from any of the acts of salah which he is unable to perform.

Ibn 'Umar relates: "The Prophet described salatul khauf and said: 'If the danger is greater than that, then [pray] standing or riding."'

In Sahih al-Bukhari, the wording is: "If the danger is greater than that, then pray while standing on your feet or riding, facing the qiblah or not facing the qiblah." In Muslim's version, Ibn 'Umar is reported to have said: "If the danger is greater than that, then pray standing or riding and by making gestures."

### Fiqh 2.108 b: The prayer of attacker or the attacked

If one is attacking the enemy and fears that he will miss the time of salah, he may pray by making gestures even if he is moving in a direction other than that of the qiblah. The case of the one who is being attacked is the same as the one who is attacking. The same is the case for anyone whose enemy prevents him from making the ruku' or the sajdah or a person who fears for himself or his family or his wealth from an enemy or a thief or a wild animal; in all such cases, the person may [if necessary] pray

by making gestures and facing any direction. Al-'Iraqi writes: "The same applies to anyone who is fleeing from a flood or fire and has no other option open to him. The same is true for one who is in straitened conditions and is in debt and cannot pay it and he fears that his debtor might catch him and imprison him while not believing his claim. This applies also to one who fears a punishment of qisas and hopes that by his absence the prosecuting party's anger will abate and they will forgive him."

'Abdullah ibn Unais reports: "The Messenger of Allah sent me to Khalid ibn Sufyan al-Hazhili, who was close to 'Arafat, and said: 'Go and kill him.' I saw him and the time of the afternoon prayer came and I said [to myself]: 'I fear that something between him and me will cause me to delay the salah, so I left walking and offered the salah by making gestures. When I came close to him, he said to me: 'Who are you?' I said: 'A man from among the Arabs. It has reached me that you are gathering the people against this man [i.e, the Prophet] so I came to you for that reason.' He said: 'I am doing that.' I walked with him for a while until I could strike him dead with my sword." This is related by Ahmad and Abu Dawud. AlHafiz says its chain is hasan.

### Fiqh 2.109: The prayer of a traveler, shortening the prayers that consist of four rak'at

Allah says in the Qur'an: "And when you go forth in the land there is no sin upon you, if you shorten your prayer when you fear the disbelievers may attack you." This concession is not limited to situations of danger.

Ya'la ibn Umaiyyah said: "I said to 'Umar ibn al-Khattab: 'Explain to me why the people shorten the salah when Allah says, 'And when you go forth...[the preceding verse] and those days are gone now!' 'Umar said: 'I wondered about that too and I mentioned that to the Prophet and he said: "This is a charity that Allah, the Exalted, has bestowed upon you, so accept His charity.'" This is related by the group.

At-Tabari records that Abu Munib al-Jarshi mentioned this verse to Ibn 'Umar and said: "We are safe now and are not in fear, should we, then, shorten the salah'?" He answered him: "You have indeed in the Messenger of Allah a beautiful pattern (of conduct)."

The issue was also referred to 'Aishah and she said: "The salah was made fard in Makkah in sets of two rak'at. When the Prophet sallallahu alehi wasallam came to Medinah, two rak'at were added to each salah except the maghrib salah because it is the witr of the daytime, and the dawn prayer due to its lengthy Qur'anic recital. But if one travels, he performs the original prayer [i.e., only two rak'at]." This is related by Ahmad, alBaihaqi, Ibn Hibban, and Ibn Khuzaimah. Its narrators are trustworthy.

Ibn al-Qayyim says: "The Prophet would pray only two rak'at for those prayers which consisted of four, whenever he traveled until he returned to Medinah. And it is not confirmed that he ever prayed four rak'at [while traveling], and none of the imams differ on this point, although they do differ about the ruling of shortening the salah."

'Umar, 'Ali, Ibn Mas'ud, ibn 'Abbas, ibn 'Umar, Jabir and the Hanafi scholars say that it is fard. The Maliki school holds that it is sunnah mu'akadah (the stressed one); it is even more emphasized than the congregational salah. If the traveler cannot find another traveler to lead him in the salah, he may pray by himself as it is disliked that he should follow one who is a resident [i.e., and pray four rak'at] according to the Maliki school. The Hanbali school holds that it is preferred for the person to shorten the prayer rather than to pray the complete salah. The Shaf'i school has a similar opinion, if the person has traveled a sufficient distance.

### Fiqh 2.110: The distance one must travel before shortening one's prayer

The conclusion from the Qur'anic verse is that any traveling, be it long or short, which falls within the linguistic definition of the word "travel" would suffice to shorten one's salah, to combine them and to break the fast. There is nothing in the sunnah which confines this general term to any particular meaning. Ibn al-Munzhir and others have mentioned more than twenty reports on this point. Here we

shall mention some of the more important reports.

Ahmad, Muslim, Abu Dawud, and al-Baihaqi record that Yahya ibn Yazid said: "I asked Anas ibn Malik about shortening the prayer, and he said: 'The Messenger of Allah would pray two rak'at if he had traveled a distance of three miles or farsakh."' Ibn Hajar writes in Fath al-Bari: "This is the most authentic hadith which states and clarifies [that question]." The conflict between mile and farsakh is made clear in Abu Sa'id al-Khudri's statement: "If the Prophet traveled a distance of one farsakh, he would shorten his prayer." This was related by Sa'id ibn Mansur in his Sunan and by al-Hafiz ibn Hajar in at-Talkhis, and he implicitly accepted it by not making any further comments about it. It is well-known that a farsakh equals three miles and, therefore, Abu Sa'id's hadith removes the confusion which arises from Anas' hadith when he says that the shortest distance, due to which the Prophet shortened his prayer, was three miles. One farsakh is equivalent to 5,541 meters while one mile equals 1,748 meters. The shortest distance which has been mentioned with respect to the shortening of salah is one mile. This was recorded by Ibn abi Shaibah, with a sahih chain, on the authority of Ibn 'Umar. Ibn Hazm follows this report, and argues that if the distance is less than one mile, one is not to shorten the salah, the Messenger of Allah went to the graveyard of al-Baqi' to bury the dead and (similarly) he went off to answer the call of nature and did not shorten his salah.

Concerning what some jurists say, namely, that the journey must be at least two days long or as some say three days, Imam Abu al-Qasim alKharqi's refutation of their opinion is sufficient for us. In al-Mughni he says: 'I do not find any proof for what those scholars say. The statements of the (sahabah) companions are contradictory, and they are not a (conclusive) proof if they differ. Something has been related from Ibn 'Umar and Ibn 'Abbas which differs from what these scholars use as proof. Even if that were not the case, their statements do not constitute a proof when a statement or action of the Prophet himself exists. Even if their statements were accepted, we would not be able to follow the distance they mentioned due to the following two reasons. One, they differ from the sunnah that has been related from the Prophet and from the clear meaning of the Qur'an, as the clear meaning of the verse allows one to shorten one's salah if one makes any journey upon the earth. Allah says: "If you journey on the earth, there is no blame upon you if you shorten your prayer." The condition of there being fear has been deleted as can be seen in the hadith we recorded from Ya'la ibn Umayyah, and what remains is the clear meaning of the verse which covers every type of journey. The Prophet said: "The traveler may wipe over his socks for a period of three days." This shows the length of time that one may wipe over the socks and it cannot be used as a proof for the question we are discussing here. One could argue that traveling is less than a three-day journey on the basis of the hadith: "It is not allowed for any woman who believes in Allah and the last day to travel a journey of one day, save in the presence of a male relative." Two, the question of the distance to be traveled is one that may only be answered by some sort of revelation from Allah, the Exalted [the Qur' an or Sunnah]; it is not the type of issue which one may address on the basis of personal reasoning, nor is there any way to derive an analogy. The proofs which exist support the opinion that shortening the salah is permissible for every traveler, unless there is some consensus to the contrary."

Similar to that is the traveling by planes, trains, and so forth, or a trip that is in obedience to Allah, the Exalted, or otherwise. If there is someone whose occupation requires him to always be traveling, for instance, a pilot, a ship captain, truck driver, and so on, then he is permitted to shorten his salah or break his fast as he is truly traveling.

### Fiqh 2.111: Whence one may shorten one's salah

The majority of the scholars are of the opinion that it is permissible to shorten one's salah when one leaves one's residence and is outside of one's city, and that is a condition, and he is not to resume his regular salah until he reaches the first houses of his city.

Ibn al-Munzhir says: "I do not know of the Prophet shortening his salah during any of his travels until after he had left Medinah."

Anas relates: "I prayed four rak'at at Zhul-Halifah." This is related by the group. Some of the early scholars say that if one makes the intention to travel, he may shorten his salah even if he is in his

house.

## Fiqh 2.112: When the traveler is to pray the complete salah

A traveler may shorten his salah as long as he is on a journey. Likewise if he stays in some place for business or some other affair, then he may shorten his salah as long as he is there, even for years. If the person intends to stay in a place for a certain amount of time then, according to Ibn al-Qayyim, he remains a traveler, regardless of whether he plans to stay there for a long or short time, as long as he does not plan to stay [i.e., reside and not return] in the place that he has traveled to. The scholars differ on this point. Summing up and giving his own opinion, Ibn al-Qayyim says: "The Messenger of Allah stayed in Tabuk for twenty days and during that time he shortened his salah and he did not say that one may not shorten his salah if he stays longer than that, although there is agreement that he did stay there for that period of time."

In Sahih al-Bukhari, it is recorded that Ibn 'Abbas said: "The Prophet stayed, during some of his journeys, for nineteen day and he prayed only two rak'at. If we stayed in a place for nineteen days, we would not pray the complete salah. However, if we stayed longer than that, we would perform the whole salah." Ahmad states that ibn 'Abbas was referring to the Prophet's stay in Makkah at the time of its conquest when he said: "The Messenger of Allah stayed in Makkah for eighteen days during the time of the conquest as he had to go to Hunain and was not planning to stay there." This is his interpretation of Ibn 'Abbas' statement. Others say that Ibn 'Abbas was referring to the Prophet's stay in Tabuk as Jabir ibn 'Abdullah said: "The Messenger of Allah stayed in Tabuk for twenty days and performed qasr salah." Imam Ahmad related this in his Musnad. Al-Miswar ibn Makhramah reports: "We stayed with Sa'd in some of the cities of ash-Sham [Syria] for forty days, and Sa'd would perform qasr while we would offer the whole salah." Naf'i relates: "Ibn 'Umar was in Azerbaijan for six months, as there was snow blocking the pass, and he would pray two rak'at." Hafs ibn 'Ubaidullah says: "Anas ibn Malik stayed in ash-Sham for two years and he prayed the salah of a traveler." Anas relates: "The companions of the Prophet stayed in Ram Hurmuz for seven months and they shortened their salah." Al-Hassan reports: "I stayed with 'Abdurrahman ibn Samurah for two years in Kabul, and he shortened his salah but he did not combine the salah." Ibrahim says: "We resided in Rai for a year or more and in Sijistan for two years . . . [and we prayed qasr]. This is the guidance of the Prophet and his companions, and this is the correct position.

Concerning other opinions which people follow Imam Ahmad say: "If a person intends to stay for four days, he has to offer the whole salah and he may offer qasr if his intention is for less than that. This is based on an interpretation of the reports from the Prophet and his companions [i.e., they never intended to stay for longer than that and would always say: 'We will leave tomorrow,' and so on]. This interpretation is obviously suspect. The Prophet conquered Makkah and stayed there to establish Islam, eradicate polytheism, and to guide the Arabs. It definitely goes, without saying, that such an objective does take more than a day or two to complete. Similarly, his stay in Tabuk was in preparation for the impending war and he knew that this might take longer than just four days. In the same way, Ibn 'Umar's stay in Azerbaijan for six months, and his praying qasr during the entire time was with the knowledge that it takes more than two or three days for such snow to melt and the pass to become traversable. The same is the case with Anas' stay of two years in ash-Sham and his praying qasr and the companions' stay in Ram Hurmuz for seven months while shortening their prayers. It is well known that activities like theirs, such as jihad and guarding, took more than four days." The followers of Ahmad maintain: "If one is staying in a place for the purpose of jihad or due to imprisonment or sickness, then one may shorten one's salah regardless of whether the person thinks that such a situation may last for a short time or a long time." This is correct but there is no proof that such conditions have been stipulated in the Qur'an, Sunnah, ijma' (consensus), or practice of the Prophet's companions. They argued that such conditions are based on what is needed for the person to fulfill his need while remaining a traveler, and that is what is less than four days. His response to them was: 'From where do you derive those conditions, while the Prophet sallallahu alehi wasallam stayed for more than four days, shortening his salah, in Makkah and Tabuk, and he did not mention to anyone anything about it and he never told them that he never intended to stay for more than four days, even though he knew that the people would [strictly] follow his actions concerning the salah. They surely followed him in his shortening of the salah, and he did not object to their praying qasr if they were to stay for more than four nights. This should be made clear as it is very important. Similarly, the

companions (as-sahabah) followed him in that and he did not say anything [in objection] to those who prayed with him."

Malik and ash-Shaf'i say: "If one intends to stay for more than four days, he should perform the whole salah, and if he intends to stay for less than that, he is to offer qasr."

Abu Hanifah holds: "If one intends to stay for fifteen days, he should do the qasr. If he intends to stay for less than that, he should not shorten the salah." This is also the opinion of al-Laith ibn Sa'd, and it has also been related from three companions: 'Umar, ibn 'Umar, and Ibn 'Abbas.

Sa'id ibn al-Musayyab is of the opinion that: "If you stay for four days, you pray four rak'at." A statement similar to that of Abu Hanifah's has also been related from him. 'Ali ibn Abi Talib says that if one stays for ten days, he is to perform the whole salah, and the same has been related from Ibn ' Abbas .

Al-Hassan says: "One who does not get to his destination or (city of residence) may shorten salah."

'Aishah says: "One who does not put down his provision is to shorten the salah."

The four imams agree that if one has some need to take care of and always has the intention of leaving the next day, then he may shorten his salah for as long as he is in that state. However, according to one statement of ash-Shaf'i, he may do so only for seventeen or eighteen days and he is not to shorten his salah after that time. Ibn al-Munzhir states in his Ishraf: "The people of knowledge are in agreement that a traveler may perform qasr as long as he does not intend to stay in a place, even though he stays there for years."

## Fiqh 2.114: Nawafli during travel

The majority of the scholars are of the opinion that it is not disliked to perform nawafil during the state in which one is shortening his salah. On this point, there is no difference between regular sunnah prayers and other nawafl.

Al-Bukhari and Muslim record that the Prophet made the ghusl in the house of Umm Hani on the day of the conquest of Makkah and then he prayed eight rak'at.

Ibn 'Umar reports that the Prophet prayed while riding in whatever direction he was facing and nodding his head [i.e., for the movements of the salah].

Al-Hassan relates: "The companions of the Prophet while on a journey performed supererogatory prayers before and after the fard salah."

Ibn 'Umar and others are of the opinion that there are no nawafl, before or after the fard salah, except for during the middle of the night. He saw some people praying after the salah and said: "If I were to pray, I would have performed the whole salah [as obviously that would have taken preference]. O nephew, I accompanied the Messenger of Allah [on joumeys] and he never prayed more than two rak'at until Allah took his soul. And I accompanied Abu Bakr and he did not pray more than two rak'at." He also mentioned the name of 'Umar and 'Uthman, then he recited the verse: "Ye have indeed in the messenger of Allah a beautiful pattern (of conduct)." This is related by al-Bukhari.

Ibn Qudamah combines what al-Hassan and what Ibn 'Umar say by concluding that al-Hassan's report points to the fact that there is no harm in praying nawafil while traveling, whereas Ibn 'Umar's report points to the fact that there is no harm in not praying such nawafil.

## Fiqh 2.115: Traveling on a Friday

There is no harm in traveling on a Friday if it is not during the time of the salah.

'Umar heard a man say: "If today was not Friday, I would have left." 'Umar said: "Leave. Friday does not keep one from traveling."

Abu 'Ubaidah traveled on Friday and he did not wait for the salah.

Az-Zuhri wanted to travel before noon on Friday and the people mentioned something to him, and he said: "The Prophet traveled on Friday."

## Fiqh 2.115 a: Combining two prayers

It is allowed for a person to combine the zuhr and 'asr salah, either during the time of the earlier or the later salah, or the maghrib and 'isha prayers if he is in one of the following circumstances:

## Fiqh 2.115 b: Combining the salah at 'Arafa and al-Muzdalifah

The scholars are in agreement that one is to combine the zuhr and 'asr prayer during the time of the zuhr prayer, at 'Arafa [during the performance of the pilgrimage], and the maghrib and 'isha prayers during the time of the 'isha at muzdalifah, following the example of the Prophet.

## Fiqh 2.115 c: Combining the salah during traveling

Most of the people of knowledge are of the opinion that it is permissible to combine two prayers during the time of either one of them while traveling, regardless of whether the person is actually on the road or has stopped at a place for some time.

Mu'azh reports that while the Prophet was at Tabuk and the sun had passed the meridian, the Prophet sallallahu alehi wasallam combined the zuhr and 'asr prayers before he started his journey. If he started his journey before the sun passed its meridian, he would delay the zuhr prayer until the time when he stoppped for the 'asr prayer. He would do likewise for the maghrib prayer. If the sun set before he began his journey, he would combine the maghrib and 'isha prayers [at that time]. If he began a journey before the sun had set, he would then combine them at the time of 'isha. This is related by Abu Dawud and at-Tirmizhi who call it hasan.

Kuraib reported that Ibn 'Abbas said: "Shall I not inform you of the salah of the Prophet sallallahu alehi wasallam during a journey?" We said: "Certainly." He said: "If the sun passed its meridian while he stopped, he would combine the zuhr and 'asr prayers before remounting [i.e., moving on]. If the sun had not passed its meridian while he had stopped [i.e., before breaking camp], he would travel until the time of the 'asr prayer and then he would combine the zuhr and 'asr prayers. If the sun set while he had stopped, he would combine the magrib and 'isha prayers. If that did not occur while he had stopped, he would ride until the 'isha time and then combine them." This is related by Ahmad.

Ash-Shaf'i has something similar in his Musnad, namely that when he [the Prophet] set out to travel before the sun passed its meridian, he delayed the zuhr prayer and combine it with the 'asr during the time of the 'asr salah. Al-Baihaqi recorded it with a good chain and he says: "To combine the two prayers due to traveling is something that is well-known and was practiced by the companions of the Prophet sallallahu alehi wasallam and those who followed them."

Imam Malik records in al-Muwatta' from Mu'azh that the Prophet sallallahu alehi wasallam delayed his salah one day during the battle of Tabuk and then went and prayed the zuhr and 'asr prayers together. Then he returned and went back again and said the maghrib and 'isha prayers together.

Commenting on this report, ash-Shaf'i says: "His statement, 'then he returned and left again,' only refers to a situation where the Prophet was staying in a certain place [i.e., he was not traveling from

one site to another] . "

Ibn Qudamah mentions the preceding hadith and writes in al-Mughni: "Ibn 'Abdul-Barr said: 'That hadith is sahih and its chain is confirmed. The people who are familiar with the life history of the Prophet say that the battle of Tabuk took place in the ninth year of the hijrah. This hadith is a clear proof and the strongest evidence against those who claim that one can only combine the prayers while one is actually moving from one site to another as the Prophet was settled and was not traveling since the Prophet was staying in his tent and would come out and combine two prayers and then return to his tent. Muslim recorded this hadith in his Sahih and stated: 'He would pray the zuhr and 'asr together and the maghrib and 'isha together. One must follow this hadith as it is confirmed [to be authentic] and it is a clear statement on this rule and there is nothing which contradicts it. The permission to combine the salah is a concession for anyone who is traveling but it is by no means confined to just those times when the person is actually on the road [i.e., traveling from one place to another]. The same is the case for shortening the salah and for wiping over the socks, but it is best to delay it.'": Having the intention to combine is not a condition for combining or shortening the salah. Ibn Taimiyyah holds: "That is the position of the majority of the scholars. When the Prophet combined the salah with his companions or shortened the salah with them, he never ordered any of them to make the intention for combining or shortening the salah. In fact, when he left Medinah for Makkah, he prayed two rak'at without combining the salah, and then he prayed the zuhr prayer at 'Arafa without telling the people that he intended to pray the 'asr right afterward, next he prayed the 'asr with them and they did not have the intention to combine their prayers, and in that combination he prayed the latter salah early. When he went from Medinah, he led the people in the 'asr salah at Zhul-Halifah and he did not order them to make the intention to shorten the salah.": Concerning offering the two combined prayers right after each other, Ibn Taimiyyah writes: "The correct opinion is that it is not a necessary condition to do so under any circumstances, neither during the time of the first salah nor during the time of the latter salah. There is no such limit in the shari'ah and doing so would defeat the purpose of the concession [i.e., permission to combine the two salah]." Ash-Shaf'i says: "It is quite permissible for a person to pray the maghrib in his house with the intention of combining the prayers and then go to the mosque to pray the 'isha." A similar statement has been related from Ahmad.

### Fiqh 2.117: Combining two prayers during rain

Al-Athram records in his Sunnan that Abu Salamah ibn 'Abdurrahman said: "It is a sunnah to combine the maghrib and 'isha prayers when it is raining." Al-Bukhari records that the Prophet sallallahu alehi wasallam combined the maghrib and 'isha prayers on a rainy night.

A summary of the opinions of the different schools of fiqh on this point follows:

The Shaf'i school says that it is allowed for the resident to combine the zuhr and 'asr or the maghrib and 'isha, praying each pair in the time of the earlier salah only, given that it is raining when one begins the earlier prayer and it is still raining by the time one begins the second prayer.

According to the Maliki school, it is allowed to combine the maghrib and 'isha in the mosque at the time of the maghrib due to rain or expected rain, if there is mud and darkness along the way, or if there is a lot of mud and it prevents the people from wearing their shoes. Nevertheless, he dislikes that the zuhr and 'asr should be combined due to rain.

According to the Hanbali school, it is only allowed to combine the maghrib and 'isha in the time of the former or the latter due to snow, ice, mud, severe cold, or rain which soaks the clothes. This concession is allowed only for one who prays with a congregation in the mosque and who comes from a distance over which he could be harmed by the rain. However, for one who prays in a congregation in his house or whose path to the mosque is covered or protected, or for one whose house is right next to the mosque, it is not allowed to combine the salah.

### Fiqh 2.118: Combining the two prayers due to some illness or other excuse

Ahmad, Qadi Hussain, al-Khattabi, and al-Mutawali of the Shaf'i school are of the opinion that it is

allowed to combine two prayers, either during the time of the earlier or later salah, due to illness as it is a greater hardship than rain. An-Nawawi says: "This is a strong opinion based on [sound] evidence." In al-Mughni it is stated: "The illness which permits one to combine the prayers is the one which would otherwise cause hardship and more weakness [if he prayed each salah separately]."

The Hanbali school is the most accommodating as it allows one to combine the prayers, at the time of the early or later salah, for one who is ill as well as for the woman who is breast-feeding and will face hardship in cleaning her dress for every salah, for the woman who is plagued by a prolonged flow of blood, for the person who cannot control his urine, and for one who cannot purify himself or herself, and for the one who fears for his life, property, or family.

Ibn Taimiyyah says: "Among the opinions the most accommodating on this question is that of the Hanbali school which allows one to combine the prayers if he is busy (since an-Nasa'i has related something to that effect from the Prophet sallallahu alehi wasallam) and they also say that the cook and baker, and so forth., may also combine their prayers if they fear their wealth (i.e., their investment or what they are working on) will otherwise be ruined."

## Fiqh 2.118 a: Combining two prayers due to some pressing need

Imam an-Nawawi writes in his commentary on Sahih Muslim: "The majority of the scholars are of the opinion that it is allowed for the resident to combine the prayers due to some pressing need. This is the statement of Ibn Sireen and Ashhab from the companions of Malik, and al-Khattabi records it from al-Qifal and ash-Shaf'i and from Abu Ishaq al-Maruzi, and from a number of as-hab al-ahadith, and it is the conclusion of Ibn al-Munzhir. This is supported by the statement of ibn 'Abbas: 'The Prophet combined his salah because he did not want to put his ummah to hardship, and not because of illness or any other reason."' The hadith from Ibn 'Abbas, mentioned previously, has been recorded by Imam Muslim who states: "The Messenger of Allah combined the zuhr and 'asr and then the maghrib and 'isha in Medinah without there being any danger or rain." Ibn 'Abbas was asked: "What did he desire by that action?" He replied: "He did not want any hardship for his ummah." Al-Bukhari and Muslim record from him that the Prophet prayed seven rak'at and eight rak'at, i.e., the zuhr and 'asr together and the maghrib and 'isha together, in Medinah. Muslim also records from 'Abdullah ibn Shaqiq that 'Abdullah ibn 'Abbas addressed the people one day after the 'asr salah until well after the sun had set and the stars began to appear. The people said to him: "The prayer, the prayer." A man from the tribe of Taim continuously repeated: "The prayer, the prayer." Ibn 'Abbas said: "Are you teaching me the sunnah? May you have no mother." Then he said: "I saw the Messenger of Allah combine the zuhr and 'asr and the maghrib and 'isha." 'Abdullah ibn Shaqiq commented: "I felt some uneasiness in my heart about what he had said, so I went to Abu Hurairah to ask him about that, and he confirmed what Ibn 'Abbas had said."

## Fiqh 2.119: Validity of combined prayers after their legal excuse ceases to exist

In al-Mughni it is stated: "If someone performs both prayers at the time of the earlier salah and then his reason for doing so ceases to exist after he has completed the salah and before the time of the next salah begins [i.e., the next salah being the one which he had just prayed during the earlier time], then what he has done is sufficient for him and he need not repeat the second salah at its proper time. Since he performed the salah in a proper manner, he is free from any extra obligation due to that action. He fulfilled his obligation during a circumstance in which he had some legal excuse, and his action is not invalidated by the fact that this excuse no longer exists. This is similar to the case of a person who performe tayammum, and after he finishes his salah, he finds water."

## Fiqh 2.119 a: Prayer on a ship, train or plane

A salah on a ship, train, plane, and so on, is valid and there is no dislike for such an act as it makes life easier for the one performing it. Ibn 'Umar says: "I asked the Prophet sallallahu alehi wasallam about salah on a ship and he said: 'Pray standing upon them unless you fear that you will be drowned [i.e., the boat might capsize].'" This is related by ad-Daraqutni and by al-Hakim. The later grades it sahih according to the criteria of al-Bukhari and Muslim.

'Abdullah ibn Abi 'Utbah reports: "I accompanied Jabir ibn 'Abdullah and Abu Sa'id al-Khudri and Abu Hurairah on a boat, and they prayed standing in a congregation, with one of them as their imam, although they could have gone ashore [if they had so desired]." This is related by Sa'id ibn Mansur.

### Fiqh 2.119 b: Some supplications for the traveler

It is preferred for the traveler to say, upon leaving his house: "In the name of Allah, the Exalted! We have trusted in Allah. There is no power or might, save with Allah. O Allah, I seek refuge in Thee from being misguided and from misguiding others, or that I stray from Your path or cause others to stray from Your path, or that I am wronged or that I do wrong to others, or that I act foolishly or have someone act foolishly with me."

Then, the person may say whatever he wishes of the supplications which have been recorded from the Prophet, sallallahu alehi wasallam. Here are some of them:

'Ali ibn Rabi'ah narrates: "'Ali was brought a riding animal. When he put his foot in the stirrup, he said: 'In the name of Allah.' Then, when he sat on it, he said: 'Praise be to Allah. Glory be to the One Who made this subservient to us for we were not able to make [it subservient] and it is to our Lord that we will return.' He then praised Allah three times and extolled His greatness three times and then said: 'Glory be to You; there is no God but Thee. I have wronged my soul, so forgive me. No one forgives sins, except You.' Then, he laughed. I said to him: 'Why do you laugh, commander of the faithful?' He replied: 'I saw the Messenger of Allah doing the same and then laughing. I asked him: "What makes you laugh, O Messenger of Allah?" He said: "The Lord is pleased with His slave who says: 'O Lord, forgive me,' and He says: 'My slave knows that no one forgives sins, save I.'" This is related by Ahmad and Ibn Hibban, and by al-Hakim who says it is sahih according to the criteria of Imam Muslim.

Al-'Azdi reports that Ibn 'Umar taught him that the Messenger of Allah would extol Allah's greatness three times while seating himself on his camel for a journey. Then he would say: "Glory be to the One who made this subservient to us for we were not able [to make it subservient]. It is to our Lord that we shall return. O Allah, we ask of Thee, in this journey of ours, righteousness and piety and to (be able to) perform such deeds that are pleasing to You. O Allah, make this journey of ours easy for us and make its length short for us. O Allah, companion on this journey and the One who looks after our family and property in our absence. O Allah, I seek refuge in Thee from the difficulty of traveling and the unhappiness in what I see and in finding that something harmful has happened when I return to my property and family."

When he would return from his journey he would add: "Returning [are we] repentant, serving and praising our Lord." This is related by Ahmad and Muslim.

Ibn 'Abbas reports that when the Prophet desired to travel, he would say: "O Allah, You are my companion in my travels and the One Who looks after my family [while I am gone]. O Allah, I seek refuge in You from unworthy travel companions and an unpleasant situation upon my return. O Allah, make the distance short for us and the travel easy for us." When he desired to return, he would say: "We are returning, [while] repenting to Allah, worshipping our Lord and praising Him." When he would enter upon his family, he would say: "We are repenting to our Lord. We hope that none of our sins would remain." This is related by Ahmad, at-Tabarani, and al-Bazzar with a sahih chain.

'Abdullah ibn Sarjas reports that, when the Prophet had to travel, he would say: "O Allah, I seek refuge in You from the difficulty of the journey, and sorrow on return, and disorder after things are set right, from the cry of the oppressed, and from seeing harm having come to our property and family."

And when he returned he would make a similar supplication, but instead of saying: "from seeing harm having come to our property and family," he would mention family first and then property. This is related by Ahmad and Muslim.

Ibn 'Umar reports that when the Prophet went out for a battle or a journey, and night came upon him,

**he would say: "O Earth, my Lord and your Lord is Allah. I seek refuge in Allah from your evil and the evil of what is on you and the evil of what has been created upon you and the evil of what walks upon you. I seek refuge in Allah from lions and large black snakes, and from snakes and scorpions, and from the evil or all that inhabit the land, and the evil of a father and what he has fathered." This is related by Ahmad and Abu Dawud.**

**Khaulah bint Hakim as-Sulimiyah reports that the Prophet sallallahu alehi wasallam said: "Whoever stops at a stopping place should say: 'I seek refuge by the perfected word of Allah. the Exalted, from the evil of what has been created,' then nothing will harm him until he leaves that stopping place." This is related by the group, save al-Bukhari and Abu Dawud.**

**'Ata ibn abi Marwan states from his father that Ka'b took an oath by the One who opened up the sea for Moses that Suhaib related to him that whenever the Messenger of Allah sallallahu alehi wasallam saw a city which he wished to enter, he would say: "O Allah, Lord of the seven heavens and what they shade, Lord of the seven earths and what they carry, Lord of the satans and those that they misguide, Lord of the winds and what they blow away, I ask of You for the good of this city and the good of its inhabitants and the good of what is in it. I seek refuge in You from its evil and the evil of its inhabitants and the evil of what is in it." This is related by an-Nasa'i, ibn Hibban, and al-Hakim who calls it sahih.**

**Ibn 'Umar says: "We would travel with the Messenger of Allah, and when he would see the city that he wished to enter, he would say: 'O Allah, give us blessings from what is in it,' three times. And, 'Allah, give us provisions from its harvest and make us beloved to its inhabitants and make the pious people of its inhabitants beloved to us." This is related by at-Tabarani in al-Ausat with a good chain.**

**'Aishah says: "Whenever the Messenger of Allah came to a place that he wished to enter he would say: 'O Allah, I ask of you of the good of this place and the good of what you have collected therein. O Allah, grant us provisions from its harvest and protect us from its diseases. Make us beloved to its inhabitants and make the pious people of its inhabitants beloved to us.' This is related by ibn as-Sani.**

**Abu Hurairah reports that when the Prophet sallallahu alehi wasallam was on a journey and daybreak approached he would say: "Let one listen and witness the praise of Allah and His good favor toward us. Our Lord, accompany us and show us favour [as we] seek refuge in Allah from the hell-fire." This is related by Muslim.**

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## Fiqh 2.125: The virtues of Jumu'ah, Friday prayer

Friday (Jumu'ah) is the best day of the week.

Abu Hurairah reports that the Messenger of Allah sallallahu alehi wasallam said: "The best day on which the sun rises is Friday. [On Friday] Adam was created and on that day he entered paradise and on that day he was expelled from paradise. And the Hour will come to pass on Friday." This is related by Muslim, Abu Dawud, an-Nasa'i, and at-Tirmizhi who calls it sahih.

Abu Lubanah al-Badri relates that the Prophet said: "The most prominent of the days [lit. the leader of the days] is the day of Jumu'ah and the most honored in Allah's sight, and it is more honored in Allah's sight than the day of breaking the fast or the day of sacrifice. It has five significant merits: Allah created Adam on this day; on this day Allah sent Adam down to the earth; on this day, Allah caused Adam to die; on this day, there is a time during which if anyone asks anything of Allah it will be granted to him unless he asks for something which is forbidden; and on this day, the Hour will be established. There are no angels close to Allah or sky or earth or wind or mountain or sea who are not worried concerning the day of Jumu'ah." This is related by Ahmad and Ibn Majah. Al-Iraqi says its chain is hasan.

### Fiqh 2.125 a: Supplications during Friday

One should do one's best to make supplications during the last moments (or hours) of Jumu'ah.

'Abdullah ibn Salam relates: "I said, and the Messenger of Allah was sitting: 'We find in the Book of Allah that on Friday there is an 'hour' in which, if a believing slave prays to Allah for something, his prayer is (indeed) accepted and he is granted what ever he prays for.' The Messenger of Allah pointed toward me and said: 'Or part of an hour.' I said: 'You have spoken the truth: or part of an hour.' I asked: 'What hour is it?' He replied: 'The last hour of the day.' I remarked: 'That is not a time of salah?' He responded: 'Certainly [it is]; if a believing slave offers salah and then sits, he will not be sitting, save due to the salah, and he will be in salah."' This is related by Ibn Majah.

Abu Sa'id and Abu Hurairah report that the Messenger of Allah said: "On Jumu'ah there is a time that if a believing slave asks Allah during it for some good, [Allah will definitely] give it to him, and that time is after the 'asr salah." This is related by Ahmad. Al-'Iraqi calls it sahih.

Jabir reports that the Messenger of Allah said: "The day of Jumu'ah has twelve hours, and during one of the hours, you will not find a Muslim slave [of Allah] asking Allah for something, but that He will give it to him. Seek it in the last hour after the 'Asr salah." This is related by anNasa'i, Abu Dawud, and by al-Hakim in al-Mustadrak, and he calls it sahih according to Muslim's criteria. Ibn Hajar says that its chain is hasan.

Abu Salamah ibn 'Abdurrahman reports that some companions of the Prophet gathered and mentioned the "hour on Jumu'ah." They left and did not differ on the fact that it is the last hour of Jumu'ah. This is related by Sa'id ibn Mansur in his Sunan and al-Hafiz Ibn Hajar calls it sahih.

Ahmad ibn Hanbal says: "Most of the hadith concerning the hour in which the supplication is always responded to state the hour to be after the 'asr prayer, and some state it to be after the sun passes the meridian."

There is a hadith recorded by Muslim and Abu Dawud which states that Abu Musa heard the Messenger of Allah say concerning the special hour on Jumu'ah: "It is between the time that the imam sits [i.e., upon the pulpit] and the time that the salah is completed." All the same, this particular hadith is defective because its chain is broken and it is mudtarib.

### Fiqh 2.126: Making many prayers and salutations upon the Prophet sallallahu alehi wasallam during the night and the day of Jumu'ah

Aus ibn Aus reports that the Prophet said: "The most virtuous of your days is Jumu'ah. On that day, Adam was created and on that day he died, (on that day) the horn will be blown and the people will be dumbfounded! Increase your prayers upon me as your prayers upon me will be presented to me." The people said: "O Messenger of Allah, how will our prayers be presented to you when you have passed away?" He said: "Allah has prohibited the earth from eating the bodies of the Prophets." This is related by the five, except for at-Tirmizhi.

Ibn al-Qayyim says: "It is preferred to pray for (Allah's blessings on the Prophet during the day and night of Jumu'ah as the Prophet said: 'Make many prayers upon me during the day of Friday and the night of Friday.' The Messenger of Allah is the leader of mankind, and Jumu'ah is the best of the days of the week. Prayers upon him during that day are a privilege [he deserves] which belongs to no other. This act also has another wisdom to it and that is that all of the good that has passed onto this [Muslim] ummah, in this life and the hereafter, has passed through him. Allah has gathered the good of this life and the next life for this ummah, and the greatest honor and success will be granted to them on Friday. On that day, they will be granted their houses and palaces in paradise and that is the day they will be given more when they enter paradise. It is a day of celebration for them in this life. It is also a day in which Allah fulfills their needs and answers their prayers and requests in this world. They are aware of all of that and are able to attain it because of the Prophet and it is through him [that they received these teachings]; therefore, in gratitude and appreciation for the great blessings we received through him, we should make many prayers upon him during the day and night of Jumu 'ah."

### Fiqh 2.127: Recitation of Surah al-Kahf

It is preferred to recite surah al-Kahf during the day and night of Jumu'ah.

Abu Sa'id al-Khudri reports that the Prophet said: "Whoever recites Surah al-Kahf on Jumu'ah will have illumination from the light from one Jumu'ah to the next." This is related by an-Nasa'i, al-Baihaqi, and alHakim.

Ibn 'Umar reports that the Prophet said: "Whoever recites Surah al-Kahf on Jumu'ah will be blessed with a light that will rise from underneath his feet to the peak of the sky. This will be a light for him on the Day of Resurrection, and he will be forgiven for what is between the Jumu'ah [and the next] Jumu'ah." This is related by Ibn Mardwwiyah with a faultless chain.

### Fiqh 2.127 a: It is disliked to raise one's voice while reciting al-Kahf in the mosque on Friday

Shaikh Muhammad 'Abdu issued a verdict that mentioned reciting Surah al-Kahf aloud among the many disliked matters on Friday. He also mentioned the following: singling out Friday as a day of fasting, singling out its night as a night to perform salatul tahajjud, reciting Surah al-Kahf during it with a specific manner of melody which disturbs those who are offering salah, while the people in the mosque are not listening because of their being engaged in conversation with others. Therefore, one should be careful about such a recital.

### Fiqh 2.128: Performing ghusl, beautifying one's self, using the miswak, and using perfume for any gathering and especially for Salatul Jumu'ah

It is preferred for anyone - man or woman, an elderly or young person, a traveler or a resident - who desires to attend the salatul Jumu'ah or any gathering of the people, to cleanse and to wear best attire. One should perform ghusl, put on one's finest clothing, apply perfume, and to brush one's teeth. The following hadith are recorded on this matter:

Abu Sa'id reports that the Prophet said: "Every Muslim should have a ghusl on Friday and wear his best

clothing, and if he has perfume, he should use it." This is related by Ahmad, al-Bukhari, and Muslim.

Ibn Salam reports that he heard the Prophet say, while he was upon the pulpit on Friday: "It would do no [harm] to anyone if he were to buy two gowns for Friday other than his work clothes." This is related by Abu Dawud and Ibn Majah.

Salman al-Farsi reports that the Prophet sallallahu alehi wasallam said: "A man who performs ghusl on Friday, purifies [himself] what he can and uses dye [for his hair] or perfumes himself in his house, goes to the mosque, and does not cause separation between two people [who are already seated], prays what Allah has prescribed for him, and then listens quietly while the imam speaks, all his sins between that Friday and the next Friday will be forgiven." This is related by Ahmad and al-Bukhari, while Abu Hurairah used to say: "And for three more days as for every good deed Allah grants tenfold reward." The sins mentioned in this hadith are the minor sins as Ibn Majah recorded, on the authority of Abu Hurairah in the words: "For one who has not committed major sins."

Ahmad records, with a sahih chain, that the Prophet said: "It is obligatory upon every Muslim to perform ghusl, apply purfume and use the miswak on Jumu'ah.

Abu Hurairah reports that one Friday the Prophet said: "O gathering of Muslims, Allah has made this day an 'id for you, so make ghusl and use the miswak." This is related by at-Tabarani in al-Ausat and al-Kabir with a chain whose narrators are trustworthy.

## Fiqh 2.129: Going early to Salatul Jumu'ah

It is preferred for one to go early to the salatul Jumu'ah, unless he is the imam. 'Alqamah says: "I went with 'Abdullah ibn Mas'ud to the mosque and we found that three people had arrived there before us. [Ibn Mas'ud] said: 'The fourth of four, and the fourth of four is not far from Allah, for I have heard the Messenger of Allah say: "The people will be seated on the day of resurrection according to how they came to the salatul Jumu'ah: the first, then the second, then the third, then the fourth and the fourth of four is not far from Allah."' This is related by Ibn Majah and al-Munzhiri.

Abu Hurairah reports that the Prophet said: "Whoever makes ghusl on Jumu'ah like the ghusl one makes due to sexual defilement, and then goes to the mosque, it will be as if he had sacrificed a camel. If he goes during the second hour, it will be as if he had sacrificed a cow. If he goes during the third hour, it will be as if he had sacrificed a horned lamb. If he goes during the fourth hour, it will be as if he had sacrificed a hen. And if he goes during the fifth hour, it will be as if he had sacrificed (something like) an egg. When the imam comes, the angels will be present to listen to the rememberance." This is related by the group, save Ibn Majah.

Ash-Shaf'i and a number of scholars are of the opinion that the "hours" refer to the hours of the day; therefore, it is preferred for the people to start attending the mosque right after dawn. Malik is of the opinion that it refers to portions of the hour before the sun passes its meridian and afterward. Some hold that it refers to portions of the hour before the sun passes its meridian. Ibn Rushd says: "That is the most apparent meaning as going [to the mosque] after the sun passes the meridian is obligatory."

## Fiqh 2.129 a: Stepping over others' necks in the mosque

At-Tirmizhi reports that the people of knowledge dislike that one should "step over the necks of the people" on Jumu'ah and they were very strict in this regard. 'Abdullah ibn Busr says: "A man came and he was stepping over the necks of the people while the Prophet was delivering khutbah of Jumu'ah. He said to him: 'Sit down. You have harmed the people and have come late."' This is related by Abu Dawud, an-Nasa'i, Ahmad, and Ibn Khuzaimah, and others call it sahih.

This ruling does not apply to the imam or one who finds an opening and cannot reach it, save by going over the people. If one wants to return to his place after leaving it due to some necessity, he may do so on the condition that he does not harm the people. 'Uqbah ibn al-Harith relates: "I prayed the 'asr in

Medinah behind the Prophet and then he stood and hurried off, stepping over the people, to go to some of the apartments of his wives. The people were afraid because of his rushing away in this manner. When he came out and found them amazed at leaving them in such a hurry, he said: 'I remembered some gold that was in my possession and I hated that it should remain with me, so I ordered it to be distributed."' This is related by al-Bukhari and an-Nasa'i.

And when he returned he would make a similar supplication, but instead of saying: "from seeing harm having come to our property and family," he would mention family first and then property. This is related by Ahmad and Muslim.

### Fiqh 2.130: Nawafl before salatul Jumu'ah

It is a sunnah to offer supererogatory prayers before al-Jumu'ah until the imam arrives. After the imam's arrival, one should no longer offer any salah, save for the prayer of greeting the mosque (tahayyatul masjid) which may be performed quickly during the khutbah unless one comes at the end of the khutbah and would not have the time [i.e., before the actual salah begins] to perform tahayyatul masjid.

Ibn 'Umar used to perform a long prayer before al-Jumu'ah and then two rak'at after it, and he said that the Prophet used to do so. This is related by Abu Dawud.

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "Whoever makes ghusl on the day of Jumu'ah and then goes to the mosque and prays what has been prescribed for him, and remains quiet while the imam delivers the khutbah, and then prays with the imam, he will have forgiven for him what is between that Jumu'ah and the next and an additional three days." This is related by Muslim.

Jabir reports that a man came to the mosque on Jumu'ah while the Prophet was delivering the khutbah. The Prophet inquired of him: "Did you offer the salah?" The man replied: "No!" He told him: "Pray two rak'at." This is related by the group. In one narration it states: "If one of you comes to the mosque on the day of Jumu'ah and the imam is delivering the khutbah, he should pray two rak'at and make them quick." This is related by Ahmad, Muslim, and Abu Dawud. In another narration, it is stated: "If one of you comes to the mosque on the day of Jumu'ah and the imam has already arrived, he should offer two rak'at." This is related by al-Bukhari and Muslim.

### Fiqh 2.130 a: Feeling drowsy while in the mosque

It is preferred for one who is in the mosque to change place if he feels sleepy. The movement may remove some of his drowsiness and help wake him up. This rule is true for Fridays and any other day.

Ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "If one of you becomes sleepy while he is in the mosque, he should move from his place to another place." This is related by Ahmad, Abu Dawud, al-Baihaqi, and at-Tirmizhi who calls it hasan sahih.

### Fiqh 2.131: The Friday prayer as an obligation

The scholars are in agreement that salatul Jumu'ah is an individual obligation and it is two rak'at. Allah says in the Qur'an: "O you who believe, when the call for the salah of Jumu'ah is proclaimed, hasten unto the remembrance of Allah, and leave off business (and trading). That is best for you if you but knew."

The obligatory nature of salatul Jumu'ah is also obvious from the hadith recorded by al-Bukhari and Muslim from Abu Hurairah that the Prophet said: "We are the last [of the people to come] but the first on the day of resurrection. They received their books before us and we got ours after them. This day was obligatory upon them, but they differed concerning it, and Allah guided us. The people, therefore, follow us: the Jews tomorrow and the Christians the day after tomorrow."

Ibn Mas'ud reports that the Prophet noticed some people staying away from al-Jumu'ah and said: "I had the notion to order someone to lead the people in prayer, and then to go and burn the houses of those who stayed away from al-Jumu'ah." This is related by Ahmad and Muslim.

Abu Hurairah and Ibn 'Umar report that they heard the Prophet sallallahu alehi wasallam say: "Those who are not attending the Friday salah should change their ways; otherwise, Allah, the Exalted, will seal their hearts and they will be reckoned the heedless." This is related by Muslim, and by Ahmad and an-Nasa'i from ibn 'Umar and ibn 'Abbas.

Abu al-Ja'd ad-Damari reports that the Prophet said: "Whoever misses three Friday prayers in a row out of negligence will have a seal put over his heart by Allah." This is related by the five, and Ahmad and Ibn Majah have something similar from Jabir, while Ibn as-Sakin has graded it to be sahih.

## Fiqh 2.131 a: Upon whom salatul Jumu'ah is obligatory

Salatul Jumu'ah is an obligation upon every free, adult, sane, resident Muslim who has the ability to attend the salah and does not have a valid excuse to miss it. Salatul Jumu'ah, however, is not obligatory on the following:

1 Women and children. Concerning this category there is no difference of opinion.

2 The person who is ill and faces hardship if he goes to the mosque, or who fears that his illness will be increased by going to the mosque, or whose recovery will be delayed. This also includes the person who is nursing a very ill person if, especiallay, the ill person cannot manage in the absence of the nursing person.

Tariq ibn Shihab reports that the Prophet sallallahu alehi wasallam said: "Al-Jumu'ah is a duty upon every Muslim in the community, save four: a slave, or a woman, or a child, or a person who is ill." An-Nawawi says that its chain is sahih according to the conditions set by al-Bukhari and Muslim. Ibn Hajr says that more than one person has graded it sahih.

3 For the traveler, even if he is staying at a certain place during the time of the beginning of salatul Jumu'ah, it is not obligatory. This is based on the fact that the Prophet sallallahu alehi wasallam traveled and did not perform the salatul Jumu'ah but only prayed the zuhr and 'asr together during the time of the zuhr prayers. The caliphs after him and others also acted in a similar manner.

4 One who is in debt and cannot repay his debt and therefore fears that he will be imprisoned, and one who fears that he will be harmed by an oppressive ruler: Ibn 'Abbas reports that the Prophet sallallahu alehi wasallam said: "Whoever hears the call to the salah and does not respond to it [i.e.,by coming to the salah], there will be no prayer for him unless he has an excuse." The people inquired: "O Messenger of Allah, what is a [valid] excuse?" He answered: "Fear or illness." This is related by Abu Dawud with a sahih chain.

5 Environmental restraints like rain, mud, extreme cold, and so on. Ibn 'Abbas said to the mu'azhzhin on a rainy day: "When you say 'I testify that Muhammad is the Messenger of Allah,' do not say 'Come to the prayer,' but say 'Pray in your houses."' The people objected to that and he told them: "One better than me did so [the Prophet sallallahu alehi wasallam]. Al-Jumu'ah is an obligation but I dislike that you should go out walking in the mud and slush." Abi Malih reports that his father had witnessed the day of Jumu'ah with the Prophet and it was raining and the people were troubled by their shoes so he ordered them to pray in their stopping places. This is related by Abu Dawud and Ibn Majah.

All of these people are not obliged to pray the Friday salah although they are obliged to pray the zuhr. Should one of them pray salatul Jumu'ah, it will still be valid for him or her and he will no longer be obliged to pray the zuhr. And the women during the time of the Prophet sallallahu alehi wasallam, attended the mosque and used to pray al-Jumu'ah with him.

## Fiqh 2.132: The Time of the Salatul Jumu'ah

The majority of the companions and successors were of the opinion that the time of al-Jumu'ah is the same as that of the zuhr. Ahmad, al-Bukhari, Abu Dawud, at-Tirmizhi, and alBaihaqi record from Anas that the Prophet sallallahu alehi wasallam would pray al-Jumu'ah when the sun had passed its meridian. Ahmad and Muslim record that Salamah ibn al-Akua' said: "We would pray salatul Jumu'ah with the Prophet when the sun had passed the meridian, and when we returned [from the salah], we would be following our shadow." Al-Bukhari says: "The time of al-Jumu'ah is when the sun passes its meridian." Similar narrations have been recorded from 'Umar, 'Ali, an-Nu'man ibn Bashir, and 'Umar ibn Harith. Ash-Shaf'i says: "The Prophet sallallahu alehi wasallam, Abu Bakr, 'Umar, 'Uthman, and the imams after them all prayed the Jumu'ah when the sun had passed its zenith."

The scholars of the Hanbali school and Ishaq are of the opinion that the time for al-Jumu'ah is from the beginning of the time for salatul 'id to the end of the time for the zuhr. They base their opinion on Ahmad, Muslim, and an-Nasa'i who record from Jabir: "The Prophet would pray alJumu'ah and then we would take our camels to rest until the sun passed its zenith." This hadith clearly states that they prayed al-Jumu'ah before the sun passed the meridian. They also cited as proof the hadith of 'Abdullah ibn Saidan as-Salmi who said: "We prayed al-Jumu'ah with Abu Bakr, and his khutbah and salah were before noon. Then we prayed with 'Uthman and his khutbah and salah lasted until after the sun had passed the meridian, and no one scolded either for it." This is related by Ahmad, who cites it as a proof, and by ad-Daraqutni. Ahmad adds: "And [something] similar to that has been related from ibn Mas'ud, Jabir, Sa'id, and Mu'awiyyah. They all prayed before the sun passed the meridian and no one objected to what they did, and that was the consensus. The majority of the scholars, however, interpret the hadith of Jabir as implying that one should pray the salah early in its time, when the sun has passed the meridian, and not wait until the weather gets cool. The prayer and the resting of the camels was right after the sun passed the meridian. As to the report from 'Abdullah ibn Saidan, these scholars consdier it weak. Ibn Hajar writes about him: 'He is one of the major tabi'in [i.e., of the generation after the companions], and his integrity is not well-established. 'Adi says: "He is somewhat majhul, i.e. unknown as a trustworthy person." Bukhari observes. "His report is not to be trusted, especially when he is contradicted by people who are more credible (qawi) than him as Ibn abi Shaibah relates from Suwaid ibn Ghaflah that the later prayed with Abu Bakr and 'Umar after the sun had passed the meridian and its chain is strong. "'

## Fiqh 2.133: The number of people required for al-Jumu'ah

There is no dispute among the scholars that a congregation is a necessary condition for the validity of al-Jumu'ah. This is based on the hadith of Tariq ibn Shihab who reports that the Prophet said: "Al-Jumu 'ah is an obligation ( wajib) upon every Muslim in the community." However, the scholars do differ on how many people are required for al-Jumu'ah. There are fifteen different opinions on this question and they are mentioned by Ibn Hajar in Fath al-Bari. The strongest opinion is that salatul Jumu'ah is valid if there are two or more people present since the Prophet is reported to have said: "Two or more constitute a congregation."

Ash-Shaukani says: 'The other prayers are considered to be made in congregation if there are two people present. The same applies to Jumu'ah salah, unless there is a reason for it to be different. There is no evidence to show that [for the purpose of the congregation] its number should be larger than that for the other prayers. 'Abdul Haqq says: 'There is no confirmed hadith on the number of people needed for al-Jumu'ah.' Similarly, as-Sayuti holds: 'There is no confirmed hadith which states a particular number [for the Jumu'ah salah].'" This is also the opinion of at-Tabari, Dawud, an-Nakha'i, and Ibn Hazm.

## Fiqh 2.134: The place for al-Jumu'ah

It is valid to perform the Jumu'ah salah in any country, city, mosque, any building in a city, or in any space in a city as it also is valid to have it performed in more than one place. 'Umar wrote the following to the people of Bahrain: "Offer the Jumu'ah salah wherever you may be." This is related by Ibn abi Shaibah. Ahmad holds its chain to be good. This includes both the cities and countryside.

Ibn 'Abbas says: "The first Friday salah that was performed in Islam, after the Friday salah in the mosque of the Messenger of Allah sallallahu alehi wasallam in Medinah, was in Jawa'i, a village in Bahrain." This is related by al-Bukhari and Abu Dawud.

Al-Laith ibn Sa'd reports that the people of Egypt and of the surrounding sea-shore would perform the Jumu'ah salah during the time of 'Umar and 'Uthman according to their orders. Some of the companions of the Prophet attended jumu'ah prayer with them. Ibn 'Umar saw the people in the areas between Makkah and Medinah performing the Jumu'ah prayers, and he did not object to their action. This is related by 'Abdurrazzaq with a sahih chain.

## Fiqh 2.134 a: Conditions Stipulated By The Jurists for the Friday Prayer

Some of the conditions under which the jumu'ah salah becomes obligatory have already been mentioned (i.e., it is obligatory for a free, sane, adult male resident who does not have a valid excuse which would excuse him from attending the prayer). It was also mentioned that a congregation is a condition for the Friday salah. This is what the sunnah of the Prophet teaches us and what Allah holds us responsible for. Concerning the other stipulations which some of the jurists stipulate for the Jumu'ah salah, none of them has any basis to which we may refer, or any evidence to support it. It will be sufficient here to simply quote the author of ar-Raudah anNadiyah who writes:

[The Friday salah] is like the rest of the prayers and there is nothing in it that differs from them, unless there is some evidence to the contrary. This statement refutes those who stipulate, as a necessary conditions for Friday prayer, the presence of a well-established imam and a congregational mosque in the area as well as a certain number of people attending the congregational prayer. There is no evidence whatever that those conditions are even preferred - not to speak of being obligatory, or for that matter, being a necessary condition for the Friday salah. If two people pray the Jumu'ah in a place where there is no one else but them, they would have performed their prescribed duty. If one of them delivers the khutbah, they would be following what is sunnah; and if they leave the khutbah, then it is only the sunnah which they have neglected, (not something which was obligatory). But for the hadith of Tariq ibn Shihab which clearly requires every Muslim to offer it in congregation and the fact that the Prophet sallallahu alehi wasallam always performed it in a congregation, offering it individually, like the rest of the prayers, would have been quite acceptable. Concerning the statement "from four people to the ruler of the area," that is certainly not the Prophet's statement nor of any of his companions... In fact, [this is] a statement of al-Hassan al-Basri. As to various statements and psuedojuristic opinions concerning this noble worship, the Friday prayer, which Allah has prescribed once a week as one of the signs of Islam, a little consideration should suffice to show their superfluity and error. One of these is the amazing statement that khutbah is equivalent to two rak'at of salah, and if one misses it, then his jumu'ah is not valid. They seem to be quite ignorant of what has been related from the Prophet through a number of chains which support each other that "if a person misses one rak'ah, then he is to perform another rak'ah and his salah would be completed." Have not other ahadith reached them that are valid in such matters? Some say that one cannot perform the Jumu'ah unless there are three people with the imam and others hold that four people are needed, while yet others stipulate seven people! Still others say nine, and some think twelve, twenty, thirty, and there are even some who think forty, fifty, seventy, and every number that is between those numbers!

Some hold that many people have to be present without specifying a particular number, while others state that al-Jumu'ah may only be performed in a city in which there is a "congregational mosque." Some are convinced that there have to be so many thousand people living in the area. Some hold that there has to be a congregational mosque and a public restroom. Yet others propose that the prayer is not obligatory unless there is a well-known and established imam; if such an imam cannot be found or if his credibility is doubtful, then the Friday salah is neither obligatory nor legitimate....No such statement can be found [in the book of Allah or in the sunnah] to support what they claim to be the conditions or prerequisites of the Jumu'ah... Whoever comes with such gibberish must be refuted for the only criterion is the Book of Allah and the Sunnah of His Messenger. As Allah says in the Qur'an: "If you dispute concerning any matter, refer it to Allah and the Messenger"; "The answer of the believers, when summoned to Allah and His Messenger, in order that he may judge between them is no other than this: they say: "We hear and we obey"; "But no, by thy Lord, they can have no (real) faith, until they make thee judge in all disputes between them, and find in their souls no resistance against thy

decisions, but accept them with the fullest conviction." Those verses and others similar to them are the clearest evidence that one must return to the rule of Allah and His Messenger if there is any dispute. The rule of Allah is the Book of Allah. The rule of the Messenger, after his passing away, is his sunnah and nothing other than that. Also, Allah did not endow any of his slaves - even if he reaches the highest degree of knowledge and has accumulated what no one else has - with the right to make any statement concerning this religion without any authority from the Book or the Sunnah. Likewise, if a mujtahid (jurisconsult) should take liberty of proposing an opinion without substantiating it, then it is not permissible for anyone to follow him in that, regardless of who he may be. I, as Allah knows, am always greatly astonished by this type of writers and their writings which supposedly provide guidance in one's creed and practice but which are filled with gibberish. This is not limited to only some of the schools among the different schools of law, or only certain areas from among the different areas, or only certain eras from among all of the eras [it is found in all of these schools of law, areas, and eras]! In fact, the later people follow the earlier people [in such things] as if they were following the umm al-kitab [mother of the Book], although, [they follow] distorted teachings.

## Fiqh 2.137: Ruling concerning khutbah

The majority of the people of knowledge are of the opinion that khutbahtul Jumu'ah is obligatory and they support this by the confirmed hadith which state that the Prophet always made the khutbah with the Jumu'ah. In their support they also quote the saying of the Prophet: "Pray as you see me pray," and the Qur'anic verse: "O you who believe, when the call is proclaimed for salatul jumu'ah, hasten unto the remembrance of Allah." This verse contains an order to hasten unto the remembrance, which implies it is obligatory, and (the scholars) interpret the remembrance of Allah to include the khutbatul Jumu'ah. AshShaukani refutes the first argument by saying that hadith simply states the action of the Prophet sallallahu alehi wasallam and does not necessarily prove that such an action is obligatory. As to the verse, he regards it as simply a command to be present at the salah which is obligatory and excludes khutbah... Regarding their argument relating to the commandment to "hasten unto the rememberance of Allah," he says it refers to salah only, which is the real cause for making haste. There is, however, an agreement that the Friday salah is obligatory while there is a dispute over whether or not the khutbah is obligatory. Ash-Shaukani concludes by saying that apparently the correct view is the one held by al-Hassan al-Basri, Dawud az-Zahiri and al-Juwaini, that the khutbah is only a highly recommended act.

## Fiqh 2.137 a: The greeting of the imam

The imam should greet the people when he comes upon the pulpit, followed by the azhan which is to be made when he sits. The imam should face the people during the azhan.

Jabir reports that when the Prophet mounted the pulpit, he would greet the people. This is related by Ibn Majah and in its chain is Ibn Lahiya, and al-Athram has recorded it in his Sunnan from ash-Sha'biy, on the authority of the Prophtet, in mursal form. Ata' and others also reported in mursal form that when the Prophet walked to the top of the pulpit, he would turn to the people and say: "Peace be upon you." According to ashSha'biy: "Abu Bakr and 'Umar used to do that [also]."

As-Sa'ib ibn Yazid informs: "The first azhan to salah made on the day of Jumu'ah was made when the imam sat upon the pulpit during the time of the Prophet, Abu Bakr, and 'Umar. Then, during the time of 'Uthman, since there were many people, he instituted a third azhan outside the mosque. The Prophet only had one mu'azhzhin." This is related by alBukhari, an-Nasa'i, and Abu Dawud. In another narration, it is stated: "During the time of 'Uthman, there were many people, so 'Uthman ordered the people to make a third call to salah on the day of Jumu'ah, outside of the mosque, and that practice has continued."

Ahmad and an-Nasa'i record: "Bilal would make the azhan to salah when the Prophet sallallahu alehi wasallam sat upon the pulpit, and he would make the iqamah when the Prophet came down from the pulpit."

'Adi ibn-Thabit relates from his father on the authority of his grandfather who said: "When the Prophet

ascended the pulpit, he would face his companions." This is related by Ibn Majah. Concerning this latter hadilh, although there is some doubt about it, at-Tirmizhi says: "The people of knowledge from among the companions and others follow that and they prefer that the imam face the people when delivering the khutbah. "

## Fiqh 2.138: Contents of the khutbah

It is preferred that the Friday khutbah include praises of Allah, the Exalted, prayers upon the Prophet, admonitions, and Qur'anic recitations.

Abu Hurairah reports that the Prophet sallallahu alehi wassallam said: "Every speech that does not begin with the praises of Allah is defective." This is related by Abu Dawud. Ahmad has something similar to it.

In another version, it is stated: "The Friday khutbah that does not contain the testimony ["There is no God except Allah, and Muhammad is His Messenger] is like the defective hand." This is related by Ahmad, Abu Dawud, and at-Tirmizhi.

Ibn Mas'ud reports that the Prophet would say in his opening testimony: "All praise be to Allah, we seek His aid and we seek His forgiveness and we seek refuge in Allah from the evil of our souls. Whomever Allah guides, no one will be able to mislead him. Whoever He leaves astray will have no guidance for him. And I testify that there is no God except Allah and that Muhammad is His slave and His Messenger whom He sent with the truth and as a warner before the Hour. Whoever obeys Allah and His Messenger will be guided aright, and whoever disobeys them will only harm his own self and he will not harm Allah, the Exalted, at all."

Ibn Shihab was asked about the Prophet's opening testimony during his khutbah on the day of Jumu'ah, and he said something similar to that except that he stated: "Whoever disobeys them has gone astray." Abu Dawud related both of these reports.

Jabir ibn Samurah says: "The Messenger of Allah would deliver his khutbah standing, would sit in between the two khutbahs, would recite some verses, and would remind the people [about Allah]." This is related by the group, save al-Bukhari and at-Tirmizhi.

The obligatory nature of salatul Jumu'ah is also obvious from the hadith recorded by al-Bukhari and Muslim from Abu Hurairah that the Prophet said: "We are the last [of the people to come] but the first on the day of resurrection. They received their books before us and we got ours after them. This day was obligatory upon them, but they differed concerning it, and Allah guided us. The people, therefore, follow us: the Jews tomorrow and the Christians the day after tomorrow."

Jabir also related that the Prophet sallallahu alehi wasallam would not make his admonitions on Friday too long, but give a very short khutbah. This is related by Abu Dawud.

Umm Hisham bint Harithah ibn an-Nu'man says: "I learnt [Surah] Qaf of the Glorious Qur'an from the Prophet for he recited it upon the pulpit every Friday when he addressed the people." This is related by Ahmad, Muslim, an-Nasa' i, and Abu Dawud .

Ya'la ibn Umayyah reports that he heard the Prophet recite, while on the pulpit: "And they cry: O Malik!..." (az-Zukhruf 77). This is related by al-Bukhari and Muslim.

Ibn Majah records from Ubayy that the Messenger of Allah recited: "Blessed is He..." [Surah al-Mulk] on Friday while he was standing. In ar-Raudah an-Nadiyah, it is stated: "Thus the required khutbah, in terms of Islamic law, should be modeled after the Prophet's khutbah exhorting people to do good and warning them against dire consequences of the evil. This is the spirit of the address which the Islamic law has instituted. As to the other contents of the khutbah, like praising Allah, saying prayers upon His Messengers or reciting a portion of the Qur'an, none of these is its main purpose, which is to admonish

people... It has been customary among the Muslims [in the light of the sunnah] that if one wanted to make some sort of proclamation, he would begin with praises of Allah and prayers upon His Prophet, or something of that nature. Still, that is not the purpose of the khutbah; indeed, the purpose is that which is said after praises of Allah and prayers for the prophet. If a person delivers a khutbah and confines it to only praising Allah and saying prayers upon the Prophet, his khutbah would hardly be acceptable. Any person with common sense could understand that.

It is the admonitary aspect of the Friday khutbah which the hadith emphasise, and if a khatib makes an admonition, he fulfills the purpose of shari'ah; if he precedes his khutbah with praises of Allah and prayers upon the Prophet and during his admonitions he uses Qur'anic verses, then he does it in a complete and satisfactory manner."

### Fiqh 2.139: Posture during and between the khutbahs

It is proper for the imam to stand for the two khutbas and to sit for a short while in between them.

Ibn 'Umar said: "When the Prophet sallallahu alehi wasallam would deliver the Khutbatul Jumu'ah, he did so standing, and then he would sit, and then he would stand [again, for the second khutbah] as the people do today." This is related by the group.

Jabir ibn-Samura said: "The Prophet would deliver the khutbah while standing, and then he would sit, and then he would stand and speak again. Whoever says that he gave the khutbah while sitting has lied. Verily, I prayed with him more than two thousand prayers [including the five daily prayers]." This is related by Ahmad, Muslim, and Abu Dawud.

Ibn abi-Shaibah records that Tawus said: "The Prophet gave the khutbah while standing and so did Abu Bakr, 'Umar, and 'Uthman. The first one to give khutbah while sitting upon the pulpit was Mu'awiyyah," Ibn abiShaibah also records from ash-Sha'biy that Mu'awiyyah used to deliver the khutbah while sitting, when he became overweight. Some of the scholars say that it is obligatory to deliver the khutbah while standing and it is also obligatory to sit in between the two khutbahs. They cite the example of the Prophet and his companions who always did so; however, the fact that they consistently performed an act is not sufficient to prove that it is fard (obligatory) .

### Fiqh 2.140: It is preferred to raise one's voice, to keep the khutbah short, and to the point

Ammar ibn Yasir reports that he heard the Messenger of Allah say: "Prolonging salah and shortening one's khutbah is a sign of one's understanding of the religion. So, prolong the prayer and shorten the khutbah." This is related by Ahmad and Muslim. Shortening the khutbah and prolonging one's salah shows one's understanding of religion, for such a person is able to comprehend and express much in a few words.

Jabir ibn Samurah says: "The Prophet's salah was of a moderate length and so was his khutbah." This is related by the group, save al-Bukhari and Abu Dawud.

'Abdullah ibn abi Aufa reports: "The salah of the Messenger of Allah was long and his khutba.i was short." This is related by an-Nasa'i with a sahih chain.

Jabir informs: "When the Prophet delivered the khutbah, his eyes became red, his voice rose, and his anger increased as if giving a warning to the enemy." This is related by Muslim and Ibn Majah.

An-Nawawi says: "It is preferred for the khutbah to be in an eloquent and proper Arabic, and it should be an organized speech that the people can understand. It should not be a speech, which is over the heads of the people, nor should it be shallow or contain foul language as that would defeat its purpose. Its words should be chosen carefully to make them attractive and meaningful."

Giving his views on the subject, Ibn al-Qayyim says: "The khutbah of the Prophet reinforced the fundamental articles of faith, like belief in Allah, the Exalted, His angels, His books, His messengers, and the meeting with Him. He would mention the paradise and the hellfire and what Allah, the Exalted, has promised to His devoted servants and the people who obey Him and what Allah has promised to His enemies and the miscreant. While listening to his khutbah, the hearts would be filled with belief in Allah, His oneness, and His majesty. His khutbahs were not like speeches of those who speak only of matters of concern of common folk, lamenting earthly life and frightening people of the approaching death. Such speeches cannot inspire faith in Allah or strengthen belief in His oneness or move people by allusion to His mighty works in history, nor can they kindle in hearts intense love for Allah, making the listeners look forward eagerly to the time they will meet Him! The people who hear such speeches gain no benefit at all, except that they will die and that their wealth will be distributed and their bodies will be turned to dust. Woe to such poets, what sort of faith is fostered by such sermons, and what sort of tawhid do they teach or knowledge disseminate? If we study the khutbahs of the Prophet sallallahu alehi wasallam and his companions, we find them embued with perspicuous guidance, tawhid, attributes of Allah, explaining the basic articles of the faith, inviting people to Allah, and drawing their attention to His providential care that makes Him so beloved to His slaves. His khutbahs referred to Allah's dealings with others in the past so as to wam his listeners against His wrath and exhort them to remember Him, thank Him and win His pleasure and love. Those who heard these khutbahs were inspired with the love of Allah and they looked forward eagerly to meeting their Lord. As time went by, the example of the Prophet was forgotten and other things prevailed. The main purpose of the khutbah was forgotten. The eloquent and nice words that moved the hearts became rare in speeches. The main thrust of the khutbah was neglected. The hearts were no longer touched and the basic purpose of the khutbah was lost."

## Fiqh 2.141: The imam interrupting his khutbah for some reason

Abu Hurairah reports: "The Prophet was delivering a khutbah and al-Hassan and al-Hussain [his grandsons] came and they were wearing two red shirts and they were tripping while walking. The Prophet came down from the pulpit and picked them up and placed them in front of himself, and then he said: 'Allah and His Messenger have told the truth. Verily, your wealth and children are a trial. I looked to these two children walking and tripping, and I could not be patient, so I cut off my khutbah and went to pick them up."' This is related by the five.

Abu Rifah al-'Adwi says: "I went to the Prophet while he was delivering a khutbah, and I said: 'O Messenger of Allah, this strange man has come to ask about his religion as he does not know what his religion is.' The Prophet turned to me and left his speech, he came to me and he was given a wooden chair with four iron legs, and he started to teach me what Allah had taught him and then he went back to complete his khutbah." This is related by Muslim and an-Nasa'i.

Ibn al-Qayyim writes: "The Prophet would interrupt his khutbah due to some reason, or to respond to a question from some of his companions.

Sometimes he would descend from the pulpit due to some need and then return and complete his khutbah, as he did when he picked up al-Hassan and al-Hussain. He took them and then returned with them to the pulpit. Sometimes he would interrupt his khutbah to say things to certain people, [e.g.,] 'Sit, so and so,' 'Pray, so and so.' [Sometimes] he ordered them to take care of certain things during his khutbah."

## Fiqh 2.142: It is forbidden to speak during the khutbah

The majority of the scholars are of the opinion that it is obligatory to be silent during the khutbah, and one is not to indulge in conversation during the khutbah, not even if it is to order one to do some good or to stop some evil, and this rule applies whether or not the person sitting in the mosque can actually hear the khutbah.

Ibn 'Abbas reports that the Prophet sallallahu alehi wasallam said: "Whoever speaks in Jumu'ah while the imam is delivering the khutbah is like a donkey who is carrying books, and for those who tell him to

be quiet, there is no [reward] for the Jumu'ah." This is related by Ahmad, ibn abi-Shaibah, al-Bazzar, and at-Tabarani. Ibn Hajar said in Bulugh alMaram: "There is no fault in its chain."

'Abdullah ibn 'Amr reports that the Messenger of Allah said: "There are three types of people who attend the Jumu'ah: one, a man who is present but speaks [during the speech], and that is his portion of the prayer; two, a man who is present and makes supplications - in his case, Allah may give him what he asks, if He wishes, or He may not give him what he asks, three, a person who is present and observes silence and does not step over the necks of the Muslims nor harm anyone - for him, there is expiation from that Jumu'ah until the next Jumu'ah plus an additional three days as Allah has said: 'He that does good shall have ten times as much to his credit.'" This is related by Ahmad and Abu Dawud with a good chain.

Abu Hurairah reports that the Prophet said: "If, during the Jumu'ah while the imam is delivering khutbah, you tell your companion to be quiet, then you have spoken needlessly." This is related by the group, save Ibn Majah.

Abu ad-Darda' says: "The Prophet was upon the pulpit and was addressing the people and he recited a verse, and next to me was Ubayy ibn-Ka'b and I asked him: When was that verse revealed?' He refused to talk to me until the Messenger of Allah came down from the pulpit and then he said to me: 'You have nothing from your Jumu'ah, except your useless talk.' When the Prophet had finished, I went to him and informed him of what had happened, and he said: 'Ubayy has told the truth. If you hear your imam speaking, be quiet until he is finished.'" This is related by Ahmad and at-Tabarani.

Ahmad and ash-Shaf'i are reported to have made a distinction, concerning this ruling, between one who can hear the speech and the one who cannot hear the speech, saying that speaking is forbidden for the former and not for the latter, although it is preferred for the latter also to be silent.

At-Tirmizhi records that Ahmad and Ishaq made an exception for replying to a salutation and responding to a sneeze while the imam is delivering the Friday khutbah. According to ash-Shaf'i: "If a person sneezes [during the khutbah] and someone says: 'May Allah bless you,' I wish I could have accomadated it since such a reply is a sunnah. In my view it is makruh that a person should greet someone with salam [while they are listening to the khutbah]. [What makes it worse is] that his salam is not returned, even though saying salam is a sunnah while responding to it is a fard.

## Fiqh 2.143: Indulging in conversation when the khutbah is not being delivered, is permissible

Tha'labah ibn abi-Malik says: "We would be talking on Jumu'ah while 'Umar was sitting on the pulpit and when the call to salah was finished 'Umar would stand and no one would utter a word until he had completely finished both of his khutbahs. When the iqamah was made and 'Umar came down from the pulpit, the people would then speak." This is related by ash-Shaf'i in his Musnad.

Ahmad records, with a sahih chain, that while the azhan was being made, 'Uthman ibn-'Affan would be sitting on the pulpit, apprising the people of their situation and the prices of some commodities.

## Fiqh 2.143 a: Catching One Rak'ah or Less of the Jumu'ah

Most of the people of knowledge are of the opinion that if a person catches only one rak'ah of al-Jumu'ah, then that rak'ah will be valid and the person need only make up the one rak'ah that he misses.

Ibn 'Umar reports that the Prophet sallallahu alehi wasallam said: "Whoever catches only one rak'ah of the salah and then adds to it the other one, his prayer will be complete." This is related by an-Nasa'i, Ibn Majah, and ad-Daraqutni. In Bulugh al-Maram, Ibn Hajar says that its chain is sahih although Abu Hatim says that the strongest opinion is that it is mursal.

Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "Whoever catches one rak'ah of the prayer has indeed caught the whole prayer." This is related by the group.

Whoever catches less than one rak'ah of the salah has not caught the Jumu'ah and he is to pray four rak'at of the zuhr salah according to the majority of the scholars.

Ibn Mas'ud says: "Whoever catches one rak'ah from al-Jumu'ah is only to add another one to it. Whoever misses both rak'at is to pray four rak'at." This is related by at-Tabarani with a good chain.

Ibn 'Umar says: "If one catches from the Friday salah one rak'ah, then he is to add another one to it. If he catches only the sitting [at the end of the prayer, following the bowing], then he is to pray four [rak'at]." This is related by al-Baihaqi. Such is the opinion of the Shaf'i, Maliki, and Hanbali schools, and Muhammad ibn al-Hassan. Abu Hanifah and Abu Yusuf say that if one catches the tashahud with the imam, then he has caught al-Jumu'ah. He should pray two rak'at after the imam makes the taslim, and his Friday salah would be complete.

### Fiqh 2.144: Offering the salah in a crowded area

Ahmad and al-Baihaqi relate from Sayyar that 'Umar was giving an address and said: "The Messenger of Allah built this mosque and we were with him [i.e., the emigrants and the helpers], and if it becomes very crowded, a person among you is to make the prostration on the back of his brother." When, he saw some people praying in the street, he said to them: "Pray in the mosque."

### Fiqh 2.144 a: Nawaf'l before and after al-Jumu'ah

It is a sunnah to pray four rak'at or two rak'at after al-Jumu'ah: Abu Hurairah reports that the Prophet sallallahu alehi wasallam said: "Whoever is to pray after the Jumu'ah should pray four rak'at." This is related by Muslim, Abu Dawud, and at-Tirmizhi.

Ya'la ibn Umayyah reports that he heard the Prophet recite, while on the pulpit: "And they cry: O Malik!..." (az-Zukhruf 77). This is related by al-Bukhari and Muslim.

Ibn 'Umar says: "The Prophet would pray two rak'at in his house on the day of Jumu'ah." This is related by the group.

Ibn al-Qayyim says: "After the Prophet finished the Jumu'ah, he would enter his house and pray two rak'at, and he ordered those who prayed the Jumu'ah to pray four rak'at after it.

Our sheikh Ibn Taimiyyah says: 'When he prayed in the mosque, he would pray four [rak'at], and when he prayed in his house, he would pray two rak'at.' I say: this is what the hadith is pointing to. Abu Dawud records from ibn 'Umar that when he prayed in the mosque, he would pray four rak'at, and when he prayed in his house, he would pray two rak'at. Also, in the two Sahihs it is reported from ibn 'Umar that the Prophet would pray two rak'at in his house after the Friday salah."

If one prays four rak'at, then, according to some, he is to pray them all connected, while others hold that he is to pray two rak'at, make the taslim, followed by another two rak'at. It is preferred to pray them in one's house. If one prays them in the mosque, he should change his place of prayer after the Friday salah.

Concerning any sunnah prayer before the Friday salah, Ibn Taimiyyah writes: "The Prophet sallallahu alehi wasallam never offered any salah after the azhan and before the Friday salah, and no one has ever related such an act from him. During the Prophet's time, there was only one azhan and that was made when the Prophet sat upon the pulpit. Bilal would make the azhan and then the Prophet would give the two khutbahs. Next, Bilal would make the iqamah and the Prophet would lead the people in salah. It is not possible that the Prophet would have made a salah after the azhan nor anyone else

among the Muslims who prayed with the Prophet could have done so. And we have no evidence to show that the Prophet, sallallahu alehi wasallam, prayed in his house before going out to the mosque on Friday. He did not specify any time for any salah before the Friday salah. What he said was meant to exhort those going early to the mosque on Friday to engage themselves in prayer. He said: 'Whoever goes out early and walks and does not ride to the mosque and prays what has been prescribed [by Allah] for him...' That has been related from the Prophet's companions. When they would reach the mosque on Friday, they would pray whatever amount was easy for them. Some of them prayed ten rak'at and some prayed twelve and some only eight and others less than that. For this reason most of the scholars are of the opinion that there is no sunnah prayer with a specified number of rak'ah or time, before aljumu'ah, for there is nothing either in the actions or statements of the Prophet to support or confirm it.

## Fiqh 2.145: Salatul Jumu'ah and Salatul 'Id occurring on the same day

If the day of 'Id occurs on Jumu'ah, then salatul Jumu'ah is no longer an obligation upon those who performed the salatul 'Id.

Zaid ibn Arqam says: "The Prophet sallallahu alehi wasallam prayed the salatul 'id and then he gave an exemption concerning the Jumu'ah, saying: 'Whoever wishes to pray it may pray it.'" This is related by the five and al-Hakim. Ibn Khuzaimah calls it sahih.

Abu Hurairah reports that the prophet sallallahu alehi wasallam said: "Two festivals have occurred together on this day of yours. For whosoever desires, this will suffice for his salatul Jumu'ah, but we are going to perform salatul Jumu'ah." This is related by Abu Dawud.

It is preferred for the imam to perform the Jumu'ah so anyone who wishes to perform it may do so as well as those who were not able to attend the 'id prayer. The Prophet sallallahu alehi wasallam said: "We are going to perform the salatul Jumu'ah."

According to the Hanbali school, the zuhr is obligatory upon anyone who does not attend the salatul Jumu'ah because he has performed the 'id prayer. Nevertheless, it apparently is not obligatory as there is a hadith in Sunan Abu Dawud in which Ibn az-Zubair says: "'Id and Jumu'ah occurred on the same day so he joined them and prayed two rak'at at an early time, and did not add anything to it until 'asr.

## Fiqh 2.147: Id prayers (Salatul 'Idain)

The prayers of the two 'ids was prescribed in the first year after the migration. It is a sunnah mu'kkadah as the Prophet sallallahu alehi wasallam always performed these prayers and he ordered the men and women to go out to attend them.

## Fiqh 2.147 a: Grooming for the two 'ids

It is preferred to make the ghusl, perfume one's self and don one's best attire on the occasions of the two 'ids.

Ja'far ibn-Muhammad relates from his father on the authority of his grandfather who reported that the Prophet would wear a Yemeni cloak on every 'id. This is related by ash-Shaf'i and al-Baghawi.

Al-Hassan as-Sibt says: "The Messenger of Allah ordered us to wear the best clothes we could find for the two 'ids and to apply the best perfume we could find and to sacrifice the best animal we could find." This is related by al-Hakim and in its chain is Ishaq ibn Barzakh whom al-'Azdi declares to be weak while Ibn Hibban says he is trustworthy.

Ibn al-Qayyim writes: "The Prophet used to wear his most beautiful clothes for them and he had a special cloak that he would wear on the two 'ids and Jumu'ah.

### Fiqh 2.147 b: Eating on the two 'ids

One is to eat before going to the salah for 'idul fitr, (the end of Ramadan) but not do so on the occasion of the 'idul azha (commemmorating Prophet Ibrahim's sacrifice). For 'idul fitr, it is a sunnah to eat an odd number of dates before going to pray salatul 'id while for 'idul azha the eating should be delayed until one returns from the 'id prayers and then he may eat of his sacrifice if he has sacrificed an animal.

Anas reports: "The Prophet would not go out on the festival of breaking the fast until he had eaten an odd number of dates." This is related by Ahmad and al-Bukhari.

Buraidah reports: "The Prophet would not go out on the day of breaking the fast ('idul fitr) until he had eaten and on the day of sacrifice ('idul azha) he would not eat until he had returned [from salah]." This is related by at-Tirmizhi and Ibn Majah, and also by Ahmad who added: "And he would eat from his sacrifice."

In al-Muwatta' it is recorded from Sa'id ibn al-Musayyab that the people were ordered to eat before they go out on the day of breaking the fast.

Ibn-Qudamah said: "I do not know of any difference of opinion over the fact that one should hasten in eating [eat early] on the day of breaking of the fast."

### Fiqh 2.148: Going out to the musalla (place of prayer)

Salatul 'id can be performed in the mosque but it is preferred to perform in a place outside the city as long as there is no excuse or reason to do otherwise (e.g., rain and so on) as the Prophet would pray the two 'ids in the outskirts of Medinah and he never prayed it in his mosque, except once and because it was raining.

Abu Hurairah reports that it was raining on the day of 'id, so the Prophet led them in salatul 'id in the mosque. This is related by Abu Dawud, Ibn Majah, and al-Hakim, and its chain contains an unknown narrator. Al-Hafiz says in at-Talkhis: "Its chain is weak," and azh-Zhahabi asserts: "This hadith is rejected."

### Fiqh 2.148 a: Women and children going out to attend 'id prayer

Shari'ah requires women and children to go out and attend the salatul 'idain. This includes married, single, young, old, or menstruating women.

Umm 'Atiyah reports: "We were ordered to go out with the single and menstruating women to the two 'ids in order to witness the good and the supplications of the Muslims. The menstruating women would be separate from the others." This is related by al-Bukhari and Muslim.

Ibn 'Abbas says that the Prophet would take his wives and daughters to the two 'ids. This is related by Ibn-Majah and al-Baihaqi.

Ibn 'Abbas further reports: "I went out with the Prophet on the day of breaking the fast or of the sacrifice, and he prayed and gave a khutbah, and then he went to the women and admonished them, reminded them of Allah, and ordered them to give charity." This is related by al-Bukhari.

### Fiqh 2.148 b: Taking different routes to and from musalla

Most of the people of knowledge are of the opinion that it is preferred for a person to go to the salah by one route and then to return home through another route, regardless of whether he be the imam or a member of the congregation.

Jabir reports: "On the days of 'id, the Prophet would take different routes." This is related by al-Bukhari.

Abu Hurairah says: "When the Prophet went to salatul 'id, he would return through a different route." This is related by Ahmad, Muslim, and at-Tirmizhi .

It is permissible to return through the same route by which one goes to the musalla. Bakr ibn Mubashir says: "I used to go with the companions of the Prophet to the musalla on 'idul azha and on 'idul fitr, and we passed through a specific valley in Medinah until we came to the place of salah and prayed with the Messenger of Allah, and then we would return to our houses through the same valley." This is related by Abu Dawud, al-Hakim, and by al-Bukhari in his Tarikh. Ibn as-Sakin says that its chain is acceptable.

## Fiqh 2.149: The time of 'Id prayers

The time for salatul 'id begins from the time the sun is three meters above the horizon until the sun reaches its meridian.

Ahmad ibn Hassan al-Bana' records that Jundub said: "The Prophet prayed the 'idul fitr prayer while the sun was [approximately] six meters above the horizon and the 'id of the sacrifice while the sun was three meters above the horizon."

Ash-Shaukani says: "That is the best of what has been related concerning the specific time of salatul 'idain and the hadith shows that it is preferred to hasten in praying salatul azha and to delay the salatul fitr."

Ibn Qudamah says: "It is a sunnah to pray salatul azha early in order to allow more time for the people to perform the sacrifice, and the salatul fitr is to be delayed in order to give people time to pay zakat al-Fitr. I know of no difference of opinion on this point."

## Fiqh 2.149 a: The azhan and iqamah for salatul 'idain

Ibn al-Qayyim writes: "When the Messenger of Allah went to the musalla (place of prayer), he would perform the salah without any azhan or iqamah and without saying 'as-salatu jami'ah' (prayer in congregation). The sunnah is not to do any of that."

Ibn 'Abbas and Jabir both report that there was no azhan on the day of the breaking of the fast or on the day of sacrifice. This is related by al-Bukhari and Muslim. Muslim records that 'Ata said: "Jabir informed me that there is no azhan for the 'id of breaking the fast, neither when the imam arrives nor afterward. And there is no iqamah or call of any kind."

Sa'd ibn abi-Waqqas reports: "The Prophet prayed salatul 'id without any azhan or iqamah. He would deliver two khutbahs standing and would seperate them by sitting between them.' This is related by al-Bazzar.

## Fiqh 2.150: The takbir during salatul 'idain

The 'id prayer consists of two rak'at during which it is sunnah to pronounce the takbir seven times, after the opening takbir and before the Qur'anic recital in the first rak'ah. During the second rak'ah, one makes takbir five times after the takbir which is customarily made for standing after the prostration. One is to raise one's hands during each pronouncement of the takbir. This is based on a report transmitted from 'Umar and his son Abdullah.

'Amr ibn Shu'aib reports from his father on the authority of his grandfather that the Prophet would make twelve takbirat during the 'id prayer, seven in the first rak'ah and five in the second. He did not

pray before or after the 'id. This is related by Ahmad and Ibn Majah. Ahmad says: "I follow that."

Abu Dawud and ad-Daraqutni report that the Prophet said: "The takbirat during the ['id of breaking the fast are seven in the first rak'ah and five in the second, and the Qur'anic recital comes after them in both the rak'at." This is the strongest opinion and it is the opinion of the majority of the people of knowledge from among the companions, the successors, and the imams. Ibn Abdul-Barr commenting on the number of takbirat, says: "It has been related through many good chains that the Prophet made seven takbirat in the first rak'ah and five in the second. Such has been related from 'Abdullah ibn 'Amr, Ibn 'Umar, Jabir, 'Aishah. Abu Waqid, and 'Amer ibn 'Auf al-Mazni. Nothing that has been related from him, either through a stonger or weaker chain, differs from that, and it was the first to be practiced."

As to the pause between takbirat, it is said that the Prophet would be silent for a short period of time between the takbirat, and nothing has been related from him concerning exactly what he said during that pause; however, at-Tabarani and al-Baihai relate, with a strong chain, that Ibn Mas'ud would praise and extol Allah, the Exalted, and make prayers upon the Prophet during such intervals. The same has been recorded from Huzhaifah and Abu Musa. Pronouncing the takbirat are a sunnah even though the salah is not invalidated if one neglects them, either intentionally or out of forgetfulness.

Ibn Qudamah says: "I know of no difference of opinion on that point." Ash-Shaukani states that the strongest opinion is that if one does not perform the takbirat out of forgetfulness, he is not to perform the prostrations of forgetfulness.

### Fiqh 2.151: Prayer before or after salatul 'id

It is not established that there is any sunnah prayer before or after the 'id prayer. The Prophet never performed any such prayer, neither did his companions upon arrival at the musalla (prayer place).

Ibn 'Abbas reports: "The Messenger of Allah went out to the site of the 'id prayer and prayed two rak'at [i.e., the 'id prayer] without praying anything before or after it." This is related by the group.

It is reported that Ibn 'Umar did the same and he stated that this was the practice of the Prophet.

Al-Bukhari records that Ibn 'Abbas disliked that one should perform a prayer before salatul 'id. Concerning voluntary prayers at such a time, Ibn Hajar has stated in Fath al-Bari that there is no evidence to show that it is not allowed, unless it is at the times in which it is disliked to pray on any day.

### Fiqh 2.151 a: For whom the performance of salatul 'id is valid

The 'id prayer is valid for men, women, children, travellers, residents, people in congregation, and people praying individually. It is also valid if performed in a house, mosque, or a distant place designated for the salah, and so on.

### Fiqh 2.151 b: Whoever misses salatul 'id with the congregation may pray two rak'at

In Sahih al-Bukhari we find in the chapter entitled: "If one misses salatul 'id he may pray two rak'at and the same is the case for the women or people in their houses or in the countryside. This is based on the Prophet's words: 'O Muslims, this is our festival.'" Anas ibn Malik ordered his protege Ibn abi-'Utbah, [who lived] in a remote area, to gather his family and children and to pray [the 'id prayer] like the people in the city and with takbirat similar to theirs. 'Ikrimah said: "The people of the country should gather for the 'id and pray two rak'at as the imam does." 'Ata says: "If you miss the 'id [salah], pray two rak'at."

### Fiqh 2.151 c: The khutbah of salatul 'id

The khutbah after salatul id is a sunnah and so is listening to it. Abu Sa'id says: "On the id of breaking the fast and of the sacrifice, the Prophet would go to the musalla (prayer place) and begin with the salah and when he finished, he would face the people while the people were sitting in rows, and he would admonish them, advise them, and exhort them [to do good deeds]. And if he wished to send off an army or order something, he would do so and then leave." Abu Sa'id then says: "The people continued to act likewise until I went out with Marwan, while he was the govenor of Medinah, for one of the two 'ids. When I arrived at the place of prayer, I found a minbar that was built by Kathir ibn as-Salt. When Marwan went to mount it before the prayer, I pulled him by his clothes. He pushed me away and gave the khutbah before the salah. I said to him: 'By Allah you have changed [the order].' He said: 'O Abu Sa'id...what you know is gone.' I said: 'By Allah, what I know is better than what I don't know.' He said: 'The people would not stay with us after the salah so we made the khutbah before the salah.'" This is related by al-Bukhari and Muslim.

'Abdullah ibn as-Sa'ib said: "I prayed the 'id salah with the Messenger of Allah and when he finished the salah he said: 'We will be delivering a khutbah. Whoever wishes to stay for the khutbah may stay. Whoever would like to leave, may leave . ' " This is related by an-Nasa' i, Abu Dawud, and Ibn Majah.

Whatever has been recorded suggests that there are two khutbahs for the 'id and the imam sits between them [i.e., like the khutbatul Jumu'ah]. Such reports are considered weak. An-Nawawi says: "There is nothing at all substantiated about there being more than one khutbah."

Ibn al-Qayyim writes: "The Prophet would begin all of his khutbahs with the praise of Allah and there is no hadith from him that states that he began his 'id khutbahs with takbir.

Ibn Majah recorded in his Sunan from Sa'id, the mu'azhzhin of the Prophet, that the Prophet would say the takbir during his khutbahs and even more so during the 'id khutbahs. Still, this does not prove that he began his khutbah with it! The people differ over the beginning of the 'id and the khutbah for salatul istisqa' (prayer for rain). Some say that they are to begin with takbir. Some say that the khutbah for salatul istisqa' begins with praying for forgiveness while others say it begins with praises of Allah." Shaikh al-Islam Ibn Taimiyyah says: "That is correct as the Prophet said: 'Every affair that does not begin with the praise of Allah is deficient.' The Prophet began all of his speeches with praises of Allah. Concerning the statement of many jurists, i.e.. he began the 'prayer for rain' by asking forgiveness from Allah and the id speech with takbir, there is absolutely no proof for it in the Prophet's sunnah. In fact the sunnah contradicts that statement as he began all of his speeches with the praises of Allah."

## Fiqh 2.152: Making up a missed 'id prayer

Abu 'Umair ibn Anas reports: "My Ansari uncles from among the companions of the Messenger of Allah said to me: 'The moon for the month of Shawwal was hidden from us and, therefore, our companions fasted. Then at the end of the day, riders came and they bore witness to the Prophet sallallahu alehi wasallam that they had seen the moon the previous night. The Prophet ordered the people to break their fasts and to go out to the site of the salatul 'id on the next day.'" This is related by Ahmad, an-Nasa'i, and Ibn Majah with a sahih chain. In this hadith there lies evidence for those who say that if the people miss salatul 'id due to some excuse, then they may go out and pray it the next day.

## Fiqh 2.153: Playing, amusements, singing, and eating on the days of 'id

Recreation, amusements, and singing, if they stay within the moral bounds, are permissible on the days of 'id.

Anas reports: "When the Prophet came to Medinah they had two days of sport and amusement. The Prophet said: "Allah, the Exalted, has exchanged these days for two days better than them: the day of breaking the fast and the day of sacrifice." This is related by an-Nasa'i and Ibn Hibban with a sahih chain.

'Aishah says: "The Abyssinians were preforming in the mosque on the day of 'id. I looked over the

Prophet's shoulders and he lowered them a little so I could see them until I was satisfied and left." This is related by Ahmad, al-Bukhari, and Muslim.

Ahmad, al-Bukhari, and Muslim also record that she said: "Abu Bakr entered upon us on the day of 'id and there were some slave girls who were recounting [in song the battle of] Bu'ath in which many of the brave of the tribes of Aus and Khazraj were killed. Abu Bakr said: 'Slaves of Allah, you play the pipes of the Satan!' He said it three times. The Prophet said to him: 'O Abu Bakr, every people have a festival and this is our festival.'" In al-Bukhari's version, 'Aishah said: "The Messenger of Allah, entered the house and I had two girls who were singing about the battle of Bu'ath. The Prophet lied down on the bed and turned his face to the other direction. Abu Bakr entered and spoke harshly to me, 'Musical instruments of the Satan in the presence of the Messenger of Allah!' The Messenger of Allah turned his face to him and said: 'Leave them.' When Abu Bakr became inattentive I signaled to the girls to leave. It was the day of 'id and the Africans were performing with their shields and spears. Either I asked him or the Prophet asked if I would like to watch them [I don't recall now]. I replied in the affirmative. At this the Prophet made me stand behind him and my cheek was against his. He was saying: 'Carry on, O tribe of Arfadah,' until I tired. The Prophet asked: 'Is that enough for you?' I replied: "yes," so he said: 'Leave [then].'"

Ibn Hajar writes in Fath al-Bari, "Ibn as-Siraj related from Abu az-Zinad on the authority of 'Urwah from 'Aishah that the Prophet said that day: 'Let the Jews of Medinah know that our religion is spacious [and has room for relaxation] and I have been sent with an easy and straight forward religion. "'

Ahmad and Muslim record from Nubaishah that the Prophet sallallahu alehi wasallam said: "The days of tashriq (i.e., the days in which the 'id is celebrated) are days of eating and drinking [non alcoholic drinks] and of remembering Allah, the Exalted."

## Fiqh 2.154: The excellence of good deeds in the first ten days of Zhul-Hijjah

Ibn 'Abbas reports that the Prophet sallallahu alehi wasallam said: "No good deeds done on other days are superior to those done on these days [meaning the ten days of Zhul-Hijjah]." The companions asked: "O Messenger of Allah, not even jihad in the way of Allah?" He said: "Not even jihad, save for the man who puts his life and wealth in danger [for Allah's sake] and returns with neither of them." This is related by the group save Muslim and an-Nasa'i.

Ahmad and at-Tabarani record from Ibn 'Umar that the Messenger of Allah said: "There is no day more honorable in Allah's sight and no acts more beloved therein to Allah than those in these ten days. So say tahlil ["There is no God but Allah"], takbir [Allah is the greatest] and tahmid ["All praise is due to Allah"] a lot [on those days]."

Ibn 'Abbas says about the 'ayah, "Remember Allah during the well known days," that it refers to the first ten days of Zhul-Hijjah. This is related by al-Bukhari. Sa'id ibn Jubair would push himself very hard [to do good deeds] during these ten days.

Al-Auza'i says: "It has reached me that a deed on one of the ten days is similar to fighting in the way of Allah, fasting during its days and guarding during its nights, except for him who becomes a martyr." As to its source, he adds: "A man from the tribe of Bani Makhzum related that to me from the Prophet."

Abu Hurairah relates that the Prophet said: "There are no days more loved to Allah for you to worship Him therein than the ten days of ZhulHijja. Fasting any day during it is equivalent to fasting one year and to offer salatul tahajjud (late-night prayer) during one of its nights is like performing the late night prayer on the night of power. [i.e., Lailatul Qadr]." This is related by at-Tirmizhi, Ibn Majah, and al-Baihaqi.

## Fiqh 2.154 a: Congratulating one another on the days of 'id

It is commendable to congratulate one another on the days of 'id.

Jabir ibn Nafir reports: "When the companions of the Prophet met each other on the day of 'id, they would say to each other, 'taqabbal minna wa minka [May Allah] accept it from us and you.'" Ibn Hajar said that its chain is hasan.

### Fiqh 2.154 b: Takbirat during the days of 'id

It is a sunnah to pronounce the takbirat on 'id days. Concerning the 'id of breaking the fast, Allah says "you should complete the prescribed period and that you should glorify Allah [i.e., say takbirat] for having guided you and that you may give thanks." Concerning the 'id of the sacrifice, Allah says: "that you may remember Allah during the well known days;" and: "He has made them subject to you, that you may glorify Allah for His guidance to you. The majority of the scholars say that the time for the takbirat during the 'id of breaking the fast is from the time one goes to the 'id prayer until the khutbah begins. Weak hadith have been recorded stating this, but there are also authentic reports from Ibn 'Umar and other companions that they did so. Al-Hakim says: "This sunnah has been practiced by ahl-il hadith. Malik, Ahmad, Ishaq, and Abu Thaur [have made statements concurring that practice] ."

Some say that the takbirat are from the night before the 'id, when the moon is seen, until the person goes to the musalla and the imam arrives. The time for the takbirat during the 'id of the sacrifice is from the day of 'Arafah until the time of the 'asr on the thirteenth of Zhul-Hijjah.

Ibn Hajar writes in Fath al-Bari: "None of that has been confirmed from the Prophet. The most authentic report from the companions is that 'Ali and Ibn Mas'ud would make the takbirat from the day of 'Arafah to the 'asr of the last day of Mina. Ibn al-Munzhir and others reported it. AshShaf'i, Ahamd, Abu Yusuf, and Muhammad follow that report and it is also the view of 'Umar and Ibn 'Abbas."

There is no specific time for the takbirat during the days of tashriq (three days after 'idul azha). In fact, it is preferred to pronounce takbirat during every moment of those days.

Al-Bukhari recorded: "During 'Umar's stay at Mina, he would say takbirat in his tent [so loud] that the people in the mosque would hear it and then they would start doing it also and the people in the market place would do the same and all of Mina would resound with the takbirat. Ibn 'Umar used to say the takbirat, during those days of Mina, after the prayers and while on his bed, in his tent, while sitting and while walking during all of those days. Maimuna would say the takbirat on the day of sacrifice. The women used to say takbirat behind Abban ibn 'Uthman and 'Umar ibn 'Abdulaziz along with the men in the mosque during the days of tashriq." Al-Hafiz ibn Hajar said: "These reports show that the takbirat are made during all the times of these days, after salah and all other times. Some say the takbirat are made only after the salah, and some say they are to be made only after the fard prayers and not after nawafl, others declare them to be for men and not for women, while some say that they are only to be said in congregations and not individually, while others reserve them only for those who perform the salah on time and not for those who are making up a missed prayer, and some say only for residents and not travellers, whereas others think they are only for the people of the city and not for the people of the countryside. Apparently al-Bukhari is of the opinion that it is for all people and the reports that he has transmitted support his opinion."

These takbirat can be made in many different forms. The most authentic form is that which has been recorded with a sahih chain by 'Abdurrazaq from Salman, who said: "They made takbirat with: 'Allahu akbar, Allahu akbar, Allahu akbar kabeera.'" From 'Umar and ibn Mas'ud the following is related: "Allahu akbar. Allahu akbar. La ilaha illallah. Allahu akbar. Allahu akbar wa lillahil-hamd." Translation: Allah is the greatest, Allah is the greatest. There is no God but Allah. Allah is the greatest, Allah is the greatest. All praise belongs to Allah.

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## Fiqh 3.1: Zakah, definition

Zakah or alms tax can be defined as that portion of a man's wealth which is designated for the poor. The term is derived from the Arabic verbal root meaning "to increase." "to purify," and "to bless." It find its origin in Allah's command to: "Take sadaqah (charity) from their property in order to purify and sanctify them" [at-Taubah 103]. That is why this kind of sadaqah is called zakah, for by paying it, one is aspiring to attain blessing, purification, and the cultivation of good deeds.

Taking into account its very nature, it is no wonder that zakah constitutes one of the five pillars of Islam. It is associated with prayer (salah) in eighty-two Qur'anic verses. Allah, the Exalted One, prescribed it in His Book (The Qur'an), His Messenger corroborated it by his (sunnah), and the community (ummah) by consensus upheld it. Ibn 'Abbas reported that when the Prophet, upon whom be peace, sent Mu'azh ibn Jabal to Yemen (as its governor), he said to him: "You are going to a people who are People of the Scripture. Invite them to accept the shahadah: that there is no god but Allah and I am His Messenger. If they accept and affirm this, tell them that Allah, the Glorious One, has enjoined five prayers upon them during the day and night. If they accept that, tell them also that He has enjoined sadaqah upon their assets which will be taken from the rich of the (Muslim) community and distributed to the poor. If they accept that, refrain from laying hands upon the best of their goods and fear the cry of the oppressed, for there is no barrier between Allah and it."

At-Tabarani relates in al-'Awsat and as-Saghir, on the authority of 'Ali, that the Prophet said: "Allah has enjoined upon rich Muslims a due to be taken from their properties corresponding to the needs of the poor among them. The poor will never suffer from starvation or lack of clothes unless the rich neglect their due. If they do, Allah will surely hold them accountable and punish them severely." According to at-Tabarani: "It was reported only by Thabit ibn Muhammad az-Zahid." Of Thabit's credibility, al-Hafiz in turn says: "Thabit was an honest and trustworthy person. AlBukhari and others related from him, and the rest of the narrators in the chain are considered as accepted authorities."

In the early days of Islam at Makkah, no limit or restriction was placed on the amount to be donated, for that decision was left to the individual Muslim's conscience and generosity. In the second year of hijrah, according to the widely known authorities, both the type and the quantity of zakah revenues were determined, and detailed illustrations were provided.

## Fiqh 3.2: Exhortation to Give Zakah in the Qur'an

At-Taubah 103 authorizes the Prophet, upon whom be peace, to take either a stipulated amount of alms from the believers' holdings in the form of the obligatory zakah, or a voluntary, unstipulated amount (zakah of tatawwul). In this 'ayah, "purify" means to purify them from stinginess, greed, and meanness, and a lack of remorse toward the poor and the wretched. To sanctify them is to raise them in esteem through good deeds and blessings so that they will be worthy of happiness both now and in the afterlife.

## Fiqh 2.151 b:

In reference to the life hereafter, Allah reveals: "Lo! Those who keep from evil will dwell amid gardens and watersprings, taking that which their Lord gives them. For they were before doers of good. They used to sleep but little of the night, and in the hours of the early dawn they prayed for forgiveness.... In their wealth, the beggar and the outcast had due share" [azh-Zhariyat 15-19]. Allah views beneficence and righteousness as exclusive qualities of the pious. It is because of their beneficence that they pray at night and ask Allah's forgiveness at dawn as a way of worshipping and approaching Him. Their beneficence is likewise in their giving to the needy their share of mercy and sympathy.

Allah further confirms: "And the believers, men and women, are protecting friends of one another; they

enjoin the right and forbid the wrong, they perform prayer and pay the zakah, and they obey Allah and His Messenger. Upon them, Allah will have mercy" [at-Taubah 71].

Such are the people blessed by Allah and given His mercy-- those who believe in Him, who take care of each other through support and love, who exhort fairness and restrain lewd behavior, who have strong ties with Allah through prayer, and who strengthen their mutual relations through zakah.

Finally, these people, as reflected in al-Hajj 41, are: "Those who, if we give them power in the land, perform prayers and pay zakah, and enjoin kindness and forbid inequity." Giving zakah is, therefore, one of the reasons for which the righteous are given authority on earth.

## Fiqh 3.3: Exhortation to Give Zakah in the Hadith

At-Tirmizhi relates from Abu Kabshah alAnmari that the Prophet, upon whom be peace, said: "I swear upon three (things) and ask you to memorize my words: Sadaqah taken from a property never decreases it; a man who suffers injustice and is patient with it, Allah will grant him strength; a man who starts begging, Allah will cause him to be poor."

Ahmad and at-Tirmizhi relate (and the latter graded it sahih) from Abu Hurairah that the Messenger of Allah, upon whom be peace, said: "Allah receives charity by His right hand, and then He causes it to grow for each of you. Just as you raise a horse, colt, foal, or young weaned camel, so that morsel becomes as large as the Mount of 'Uhud."

Of this hadith's content, Waki' says: "This is sanctioned by the Qur'an: 'Do they not know that it is Allah alone who can accept the repentance of His servants and is the (true) recipient of whatever is offered for His sake - and that Allah alone is an acceptor of repentance, a dispenser of grace?' [at-Taubah 104]. 'Allah deprives usurious gains of all blessing, whereas He blesses charitable deeds with manifold increase.' [al Baqarah 276]."

Again, Ahmad relates, with a sound chain of narrators, that Anas said: "A man from the tribe of Tameem came to the Messenger of Allah, upon whom be peace, and said: 'O Messenger of Allah! I have plenty of property, a large family, a great deal of money, and I am a gracious host to my guests. Tell me how to conduct my life and how to spend.' The Messenger of Allah, upon whom be peace, replied: 'Pay zakah out of your property, for truly it is a purifier which purifies you, and be kind to your relatives, and acknowledge the rights of the poor, neighbors, and beggars'."

It was reported from 'Aishah that the Messenger of Allah, upon whom be peace, said: "I swear upon three things: Allah does not equate one who has a portion in Islam with one who does not. The portions of Islam are three: prayer, fasting, and zakah. If Allah takes care of a man in this world, He will take care of him on the Day of Judgment. If a man likes a group of people, Allah will certainly include him among them. As for the fourth, if I swear on it, I hope I will not commit a sin: that if Allah conceals a man's sin in this world, He will certainly not expose him on the Day of Judgment."

At-Tabarani relates in al-'Awsat, that Jabir reported: "A man said: 'O Messenger of Allah! What will be the gains for a man who pays zakah on his assets?' The Messenger of Allah, upon whom be peace, said: 'For one who pays zakah on his asssets, he will be removed from the evil in them'."

On the same subject, al-Bukhari and Muslim relate that Jabir ibn 'Abdullah reported: "I gave my allegience to the Messenger of Allah, upon whom be peace, that I will establish salah (prayers) and zakah, and I will give advice to every Muslim."

## Fiqh 3.4: Punishment in the Qur'an for the Delinquents of Zakah

Allah says: "O you who believe! Most surely many of the doctors of law and the monks eat away the property of men falsely and turn them from Allah's way; and as for those who hoard treasures of gold and silver and do not spend them for the sake of Allah--warn them of grievous sufferings [in the life to

come]. On the Day when that [hoarded wealth] shall be heated in the Fires of Hell and their foreheads and their sides and their backs branded with it, [it will be said to them:] 'These are the treasures which you have hoarded for yourselves. Now taste of what you used to accumulate!' [at-Taubah 34-35]." He also says: "And they should not think--they who avariously cling to all that Allah has granted them out of His bounty--that this is good for them. No, it is bad for them, for that which they hoard will be hung about their necks on the Day of Judgment" [al-'Imran 180].

## Fiqh 3.4 a: Punishment in the Hadith for the Delinquents of Zakah

Ahmad, al-Bukhari, and Muslim relate from Abu Hurairah that the Messenger of Allah, upon whom be peace, said: "No owner of a treasure who does not pay zakah will be spared, for his treasure will be heated in the Fires of Hell and then made into plates. His flanks and his forehead will be branded with them until Allah pronounces judgment on His servants during a day lasting fifty thousand years.

[The individual] will be shown his path, leading him either to Paradise or to Hell. A camel owner who does not pay zakah will not be spared (either). He will lay flat on a sandy, soft plain and they will run over him heavily one after another until Allah pronounces judgment on His servants during a day lasting fifty thousands years. [The individual in question] will then be shown his path, leading him either to Paradise or to Hell. Equally, no owner of goats who does not pay zakah (will be spared). He will lay flat for them on a sandy plain, and the goats will run over him as heavy as they will come and they will trample him with their hoofs and gore him with their horns--with twisted horns or with no horns--one after another until Allah pronounces judgment on His servants, during a day lasting fifty thousand years, and [the individual in question] will be shown the path, leading him either to Paradise or to Hell. They [the Companions] asked: 'O Messenger of Allah, what about the horses?' He said: 'Horses have goodness in their foreheads (or he said 'Goodness lies in the foreheads of the horses') until the Day of Judgment. Horses are of three kinds: they are a source of reward for the owner, they are a cover, or they are a burden to a person. As to those [horses] that bring rewards, one who raises and trains them for the sake of Allah will get a reward from Him as well as all that they consume will be considered a reward for him from Allah. For every stalk of grass in the meadow that one lets them graze, there is a reward for him. For every drop of water that one lets them drink from the creek, there is a reward.' He went on describing until a reward was mentioned even for their urine and their feces.

'And for every step that they prance on elevated ground, there is a reward. As for the one to whom they will provide cover [in the life hereafter], he is the one who raises them for honor and dignity and remembers the right of their backs and stomachs in plenty and adversity. As for the one to whom they are a burden, he is the one who raises them for glory and showing off to people.' They asked: 'O Messenger of Allah, what about donkeys?' He said: 'Allah has not revealed to me anything in regard to them except this one comprehensive verse: 'He who does an atom's weight of good will see it, and he who does an atom's weight of evil will see it' [az-Zalzalah 7]."

Al-Bukhari and Muslim relate from Abu Hurairah that the Prophet, upon whom be peace, said: "Whoever is made wealthy by Allah and does not pay zakah on his wealth, on the Day of Judgment it will become a bald-headed, poisonous, male snake with two black spots over his eyes. The snake, on the Day of Judgment, will encircle his neck, and bite his cheeks and say: 'I am your treasure, I am your wealth.' " Then he [the Prophet] recited this 'ayah: " 'And let not those who hoard up that which Allah has bestowed upon them of his bounty...' [al'Imran 180]."

Ibn Majah, al-Bazzar, and al-Baihaqi relate from Ibn 'Umar that the Messenger of Allah, upon whom be peace, said: "O Muhajirun, beware of five traits: if ever immorality spreads in a community and there is no sense of shame on its occurrence or mentioning it [and people talk about it as if nothing bad has taken place], diseases which were not present in the time of their predecessors will spread among them. If they decrease the measure and weight (of sold grains or food), they will be overcome by poverty, their provisions will decrease and their ruler will be unjust. If they refrain from paying the zakah due on their properties, they will be deprived of rain, unless they get it only for the sake of their cattle. If they renounce their commitment to Allah and His Messenger, they will be governed by an enemy who is a stranger to them and who will take away some of what they possess. If their rulers do not rule according to Allah's Book, they will be afflicted by civil war. Allah forbid that these should

happen to you."

Al-Bukhari and Muslim relate from al-Ahnaf ibn Qays that he said: "I was in the company of some men of Quraish, when a man (Abu Zharr al-Ghafari, a companion of the Prophet) came with coarse hair, clothes, and appearance. He stood up, greeted them and said: 'Inform those who hoard property that a stone will be heated in the Fires of Hell and then placed on the nipples of their breasts until it comes out from the top of their shoulders. It will then be placed on the top of their shoulders until it comes out again from the nipple of their breasts, and they will be shaken.' Then he left. I followed him and sat near him, not knowing who he was. I said: 'These people disliked what you said to them.' He observed: 'They do not understand anything that my friend said to me.' I asked: 'Who is your friend?' He replied: 'The Prophet, upon whom be peace. [One day he asked me]: 'Do you see the Mount of Uhud?' I looked at the sun to see how much of the day was left, as I thought that the Messenger of Allah, upon whom be peace, wanted to send me on an errand for him. I said: 'Yes.' Upon this he said: 'Nothing would delight me more than having gold equal to the bulk of Uhud and spending all of it (in Allah's way) except three dinars.'

'Indeed, these people do not understand and go on accumulating riches. By Allah! I neither ask them for this world, nor do I ask them anything about religion until I meet Allah, The Exalted One.' "

## Fiqh 3.7: Judgment on the Zakah Refrainer

As an obligation upon Muslims, zakah is one of the essential requirements of Islam. If somebody disputed its obligation, he would be outside of Islam, and could legally be killed for his unbelief unless he was a new Muslim and could be excused for his ignorance.

As for the one who refrains from paying it without denying its obligation, he would be guilty of committing a sin. Yet, this act does not place him outside of Islam. It is the ruler's duty to take zakah from the defaulter by force and rebuke him, provided he does not collect more than the stipulated amount. However, in the views of Ahmad and ash-Shaf'i (in his earlier opinion) the ruler could take half of the defaulter's money, in addition to the calculated amount of zakah, as a punishment. This view is based on what Ahmad, anNasa'i, Abu Dawud, al-Hakim, and al-Baihaqi have recorded from Bahz ibn Hakim all the way back to his grandfather who said: "I heard the Messenger of Allah, upon whom be peace, say: 'Whether the camels of the zakah payer are grown or baby camels, it makes no difference in his reward if he gave them willingly. (However,) if someone refrains from paying it, it will be taken from him along with half his property, for it is a right of our Lord, the Blessed and the Exalted, not a right of the house of Muhammad.'"

Asked about its chain, Ahmad ruled it good (hassan). Of Bahz, al-Hakim says: "His traditions are authentic." Ash-Shaf'i, as alBaihaqi says, did not include it for fiqhi consideration because . . . "this hadith is not confirmed by the scholars of hadith."

If some people refrain from paying zakah knowing that it is due and that they can afford to pay, they should be fought until they yield and pay. Al-Bukhari and Muslim report that Ibn 'Umar heard the Prophet say: "I have been ordered to fight people until they say that none has the right to be worshipped but Allah, and that Muhammad is His Messenger, and they uphold the prayers, and pay the zakah. If they do this, their lives and properties will be safe, except for what is due to Islam, and their accounts are with Allah."

Abu Hurairah is reported to have said: "When Allah's Messenger, upon whom be peace, died and Abu Bakr succeeded him as caliph, some Arabs apostasized, causing Abu Bakr to declare war upon them. 'Umar said to him: 'Why must you fight these men?', especially when there is a ruling of the Prophet, upon whom be peace: 'I have been called to fight men until they say that none has the right to be worshipped but Allah, and whoever said it has saved his life and property from me except when a right is due in them, and his account will be with Allah.' Abu Bakr replied: 'By Allah! I will fight those who differentiate between salah and zakah because zakah is the due on property. By Allah! If they withheld even a young she-goat ( 'anaq) that they used to pay at the time of Allah's Messenger, upon whom be peace, I would fight them.' Then 'Umar said: 'By Allah! It was He who gave Abu Bakr the true

knowledge to fight, and later I came to know that he was right.' "

The same hadith narrated by Muslim, Abu Dawud, and atTirmizhi has the following variant: "If they witheld the 'iqal, the rope of the camel," instead of "'anaq, young she-goat."

## Fiqh 3.8: Who is Obliged to Pay Zakah

Zakah must be paid by every Muslim who has a nisab, which is the minimum of one's holdings liable to zakah. The nisab is conditioned by the following:

1 Zakah should be paid on any amount of money remaining after meeting the expenses for such necessities as food, clothes, housing, vehicles and craft machines.

2 A complete year of Islamic calendar should pass, starting from the very day of the nisab's possession, without any decrease during the year. In case of its decrease (being less than nisab), the year count (hawl;) starts from the day of the nisab completion.

Commenting on the issue, an-Nawawi said: "In our view and the views of Malik, Ahmad, and the majority of scholars, the amount of property liable for payment of zakah, such as gold, silver, or cattle, is tied to the completion of nisab through the turn of a whole year. If the nisab decreases in any time of the year, [the counting of] the year discontinues. Later, if the nisab is completed, the year count is resumed from the time of its completion."

On the same subject, Abu Hanifah holds: "What matters isthe availability of nisab at the beginning and end of the year. Its decrease at any time in between does not matter, even though the zakah payer had two hundred dirhams and he lost all but one dirham during the year, or if he had forty sheep, all of which died except for one during the year. If, at the end of the year, he had two hundred dirhams, or forty sheep, then he must pay zakah on all of that. This condition is not applicable to the zakah of plantations and fruits, for their zakah should be paid on the harvest day. Allah, the Exalted One, says: 'And pay the due thereof upon the harvest day' [alA'raf 142]."

Al-'Abdari elaborated that: "The holdings subject to zakah are of two kinds. The first kind grows by itself: crops and fruits. The second kind is used for growing and production: money, merchandise, and cattle. In the former case, zakah should be paid at the time of harvest. In the latter case, it should be paid at the end of the haul. This was the opinion of all jurists as reported in anNawawi's al-Majrnu'."

## Fiqh 3.9: Zakah on the Holdings of Infants and Mentally Retarded People

The guardian of a child or of a mentally retarded person must pay zakah on his behalf from his property if it constitutes a nisab.

'Amr ibn Shu'aib reported from his father backed up by a chain of sources going back to 'Abdullah ibn 'Amr that the Messenger of Allah, upon whom be peace, said: "One who becomes the guardian of an orphan with property must trade on his behalf and not leave it passive in order to avoid depletion of the property by sadaqah."

However, this hadith has a weak link. Still, al-Hafiz affirms that: "There is a similar hadith of the mursal type in the compilation of ash-Shaf'i, who confirmed that it is considered a sound one. 'Aishah used to set aside zakah for the orphans who were under her protection."

At-Tirmizhi concludes that: "Jurists differ on this issue. More than one companion of the Prophet, upon whom be peace, said that zakah may be taken from an orphan's property. Among these are: 'Umar, 'Ali, 'Aishah, and Ibn 'Umar. This view is also supported by Malik, ash-Shaf'i, Ahmad, and Ishaq. Another group, including Sufyan and Ibn al-Mubarak, hold that: 'Zakah should not be taken out of an orphan's property.' "

## Fiqh 3.9 a: The Insolvent Debtor

Whoever has property must pay its proper zakah. If the property is indebted, he may first pay off his debt, then in case the remainder is enough to constitute a nisab, he must pay zakah. If he does not hold the nisab, he does not have to pay it since he is poor. The Messenger of Allah, upon whom be peace, said: "Only the wealthy are required to give charity." This hadith is related by Ahmad and al-Bukhari. The latter records it in mu'allaq form. The Prophet also said: "Zakah is levied on the rich and paid to the poor." It is all the same, whether he is indebted to Allah or to man, because one hadith states: "Allah's debt is more deserving of fulfillment."

## Fiqh 3.10: Zakah Owed by a Deceased Person

If a person dies before he pays zakah, then it must be taken from his estate.

According to ash-Shaf'i, Ahmad, Ishaq, and Abu Thaur, it is obligatory that zakah be paid from the property of the deceased, and this payment receives preference over debt, legacy, and inheritance for Allah says: "... after payment of legacies and debts is what you leave ..." [an-Nisa' 12]. Zakah is a debt payable to Allah.

A man came to the Messenger of Allah, upon whom be peace, and said: "My mother died while she still had to make up one month of fasting. Shall I make it up for her?" The Prophet replied: "If there was any debt upon your mother, would you pay it off for her?" The man answered: "Yes." The Prophet then observed: "A debt to Allah is more deserving to be paid off." This is related by alBukhari and Muslim.

## Fiqh 3.10 a: The Niyyah (Intention)

Since the payment of zakah is an act of worship, its validity depends upon the expression of one's intention. That is, the zakah payer should pay it for the sake of Allah; he should make up his mind, with all of his heart, that zakah is an obligation to be discharged. Allah says: "And they are commanded no more than this: to worship Allah, sincere in their faith in Him alone" [al-Bayyinah 5].

It is related in al-Bukhari and Muslim that the Prophet, upon whom be peace, said: "The value of [one's] deeds is determined by [one's] intentions; and thus for each shall be according to his intentions." Malik and ash-Shaf'i say that the intention is to be made at the time of rendering zakah. Abu Hanifah holds that the intention must be present at the time of payment or when zakah is being set aside from one's assets. Ahmad's view is that it is permissible to express the niyyah a little earlier before payment.

## Fiqh 3.11: Payment of Zakah in Due Time

Zakah must be paid immediately at its due time. Deferring payment of zakah is prohibited, unless the payer for some valid reason cannot pay it on time. In such a case, he may wait until he is able to pay it. It is related by Ahmad and al-Bukhari that 'Uqbah ibn al-Harith said: "Once I performed the 'asr prayer with the Prophet, upon whom be peace. When he concluded the prayer, he hurriedly went to his house and retumed immediately. Noticing the amazed faces, he said: 'I left at home a piece of gold which was meant for sadaqah, and I did not want to let it remain a night in my house, so I ordered it to be distributed.'"

Ash-Shaf'i and al-Bukhari (the latter in his Tarikh) relate from 'Aishah that the Prophet, upon whom be peace, said: "Whenever sadaqah which is payable is mixed with a property, it will destroy that property." The same hadith is related by al-Humaydi with this addition: "If you have to pay sadaqah which is payable, then it must be set aside, or the unlawful [property] will destroy the lawful one."

## Fiqh 3.11 a: Paying Zakah in Advance

It is permissible for zakah to be paid for even two years in advance. Al-Zuhri did not see any problem in paying his zakah before the hawl. Al-Hasan was once asked if a man who had paid his zakah for three years in advance fulfilled his obligation. Al-Hasan answered in the affirmative. Of this view, ash-Shaukani said: "This was the view of ash-Shaf'i, Ahmad, and Abu Hanifah. It was supported by al-Hadi and al-Qasim." Al-Mu'ayyad-billah also subscribes to this opinion as being better, but he says that Malik, Rabi'ah, Sufyan ath-Thauri, Dawud, Abu 'Ubayd ibn al-Harith, and an-Nasir (who comes from the Prophet's family) held that one's obligation is not discharged if the zakah is paid before the expiration of the year. They formulated their stance on the Prophet's hadith, already mentioned, which makes the zakah mandatory for the payer only when he has his possessions for a year. However, this does not invalidate the view of those who maintain that paying zakah in advance is lawful, for undeniably the obligation of zakah is associated with the expiry of one full year. The difference is only on the point of whether one's obligation is discharged if the zakah is paid before the year has expired." Ibn Rushd sums up the subject: "The controversy arises from the question whether it is an act of worship or an obligation owed to the poor. The group which considers it an act of worship, like salah (prayers), does not agree that it should be paid before its time. On the other hand, the group which views it as similar to the case of deferred obligatory dues approves its voluntary payment in advance." In support of his view, ashShaf'i relates a hadith from 'Ali that the Prophet, upon whom be peace, asked for al-'Abbas' sadaqah before its due date.

## Fiqh 3.12: Invoking Blessing for the Zakah Payer

It is desirable that the recipient invoke blessing for the zakah payer at the time of its payment, for Allah says: "Take alms of their property that you may purify and sanctify them and pray for them. Verily, your prayers are a comfort for them" [at-Taubah 103]. It is related from 'Abdullah ibn Abu Awfa that the Messenger of Allah, upon whom be peace, on receiving sadaqah would say: "O Allah, bless the family of Abu Aufa." This is related by Ahmad and others.

Wa'il ibn Hajr reported that the Prophet, upon whom be peace, prayed for a man who had offered a fine she-camel in his zakah payment: "May Allah bless him and make his camels beneficial to him." This is related by an-Nasa'i.

Ash-Shaf'i says: "According to this hadith, the leader may pray for the almsgiver upon receiving his payment by saying: 'May Allah reward you in turn of what you have offered, and may Allah bless what you still possess.' "

## Fiqh 3.13: Holdings subject to zakah

Islam enjoined zakah on crops, fruit, livestock, merchandise, minerals, gold, silver, and treasures.

## Fiqh 3.13 a: Zakah on Gold and Silver

Says Allah concerning zakah on gold and silver: "... As for those who hoard treasures of gold and silver and do not spend them for the sake of Allah--warn them of grievous suffering [in the life to come]" [at-Taubah 34]. Thus, zakah is prescribed for gold and silver--whether they are in the form of coins, ingots, or dust--as long as the amount owned constitutes a nisab, a period of a year has passed, debts are settled, and/or basic needs satisfied from it.

## Fiqh 3.13 b: The Nisab of Gold and Its Due

The minimum of nisab for gold is twenty dinars owned for one year. Its due is a quarter of a tenth, that is, half a dinar. For any amount over twenty dinars, a quarter of a tenth is levied upon it. 'Ali reported that the Prophet, upon whom be peace, said: "There is nothing upon you in gold, until it reaches twenty dinars. Thus, if you have twenty dinars at the end of the year, then there is half a dinar levied on it [as zakah]. Any additional amount will be calculated in this manner. There is no zakah on property until it has been owned for one year." This hadith is related by Ahamd, Abu Dawud, and al-Baihaqi. Al-Bukhari grades it authentic and alHafizh verified it.

Zuraiq, the Fazarah clan's protege, reported that 'Umar ibn 'Abdulaziz wrote to him after he became caliph: "Take what passes by you of the commerce of the Muslims--those who trade with their properties--a dinar for each forty dinars. From that which is less than forty, calculate on the lesser amount until it reaches twenty dinars. If you have to take one-third of a dinar, disregard it and do not take anything on it. Afterwards, give them a written release of what you have levied from them until the year expires." This is related by Ibn Abu Shaibah.

Malik says in his al-Muwatta': "The uncontroversial tradition that we have is that the zakah due on twenty dinars is like the zakah due on two hundred dirhams." Twenty dinars are equal to twenty-eight Egyptian dirhams in weight.

## Fiqh 3.14: The Nisab of Silver and its Due

There is no zakah on silver until the amount exceeds two hundred dirhams. The amount payable is a quarter of a tenth for any amount. There is no zakah exemption on (silver) coins if they attain a nisab.

'Ali reported that the Prophet, upon whom be peace, said: "I exempt you from paying zakah on horses and slaves. Pay, then, zakah on silver, one dirham for each forty dirhams. Zakah is not due on ninety or one hundred dirhams of silver. If it reaches two hundred dirhams, five dirhams are to be paid." This was related by the authors of as-Sunnan (The Traditions). At-Tirmizhi relates: "I asked al-Bukhari if he confirms this hadith. He said: 'It is authentic.' " At-Tirmizhi also says: "Jurists recognize that sadaqah should be taken out of any amount less than five ounces (awaq). One ounce (uqiyyah) equals forty dirhams. Five awaq equal 200 dirhams. Two hundred dirhams equal twenty-seven riyals equal 555 1/2 Egyptian piasters."

## Fiqh 3.14 a: Combining Gold and Silver

If a person owns gold and silver, but neither of them on its own constitutes a nisab, he should not combine the two in order to obtain a nisab. This is because they are not of the same kind. The basic rule is that no category can be combined with another. It is the same for cows and sheep. For example, if someone has 199 dirhams and nineteen dinars, he is not supposed to pay zakah on them.

## Fiqh 3.15: Zakah on Debt

Debts are of two kinds:

1 A debt which is acknowledged by the debtor with the willingness to pay it off, and

2 A debt which is not acknowledged either because the borrower is insolvent or its payment is deferred.

In the first case, scholars have formed the following views:: The first view:

'Ali, ath-Thauri, Abu Thaur, the Hanafiyyah, and the Hanbaliyyah hold that the creditor should pay zakah on the debt, provided he has received it from the debtor, in that zakah will be payable retroactively.: The Second view:

'Uthman, Ibn 'Umar, Jabir, Tawus, anNakha'i, al-Hasan, az-Zuhri, Qatadah, and ash-Shaf'i hold that the creditor should pay zakah on the value of a debt owed on time, even though he did not receive it yet, since he is eventually going to receive it and use it. It is similar to the zakah of any deposited amount.: The third view:

'Ikrimah, 'Aishah, and Ibn 'Umar hold that no zakah is due on debt since it does not grow. It is similar to the case of acquired assets.: The fourth view:

Sa'id ibn al-Musayyab and 'Ata ibn Abu Rabah hold that zakah should be paid for one year if the debt is

returned to the creditors.

2 For the second case, Qatadah, Ishaq ibn Abu Thaur, and the Hanifiyyah hold that its zakah is not compulsory on this type of debt, since the creditor cannot benefit from it. Ath-Thauri and Abu 'Ubayd hold that on receipt (of it) the creditor should pay its zakah retroactively since it his and he may use it at his own free will, like the zakah on the debt of a rich person. The last two views are attributed to ash-Shaf'i. 'Umar ibn 'Abdulaziz, alHasan, al-Layth, al-Auza'i and Malik agree that he should pay zakah on it for only one year when he receives it.

## Fiqh 3.16: Zakah on Banknotes and bonds

Since they are documents with guaranteed credits, banknotes and bonds are subject to zakah once they attain the minimum of nisab--that is, a person may change them into currency immediately. The minimum of nisab is twenty-seven Egyptian riyals.

## Fiqh 3.16 a: Zakah on Jewelry

Scholars agree that no zakah has to be paid on diamonds, pearls, sapphires, rubies, corals, chrysolite, or any kind of precious stones unless they are used for trade. There is, however, disagreement over whether women's gold or silver jewelry is exempt. Abu Hanifah and Ibn Hazm hold that zakah is compulsory on gold and silver jewelry provided they constitute a nisab. Their view is based on the report of 'Amr ibn Shu'aib from his father from his grandfather: "Two women with gold bracelets on their wrists came to the Prophet, upon whom be peace. The Prophet said: 'Do you want Allah to make you wear bracelets of fire on the Day of Judgment?' They answered: 'No.' He said: 'Then pay the zakah which is due on what you wear on your wrists.' "

In the same way, Asma' bint Yazid reported: "My aunt and I, while wearing gold bracelets, went to the Prophet, upon whom be peace. He asked: 'Did you pay their zakah?' She related that they had not. The Prophet said: 'Do you not fear that Allah will make you wear a bracelet of fire? Pay its zakah.' " Al-Haythami confirms that it was narrated by Ahmad, and its chain is good.

'Aishah narrated: "The Messenger of Allah, upon whom be peace, came to me and saw me wearing silver rings. Thereupon, he asked: 'What is this, 'Aishah?' I replied: 'I made them to adorn myself for you, O Messenger of Allah.' He said: 'Did you pay their zakah?' I said: 'No, or what Allah wishes.' Then he said: 'Their punishment in Hell is enough for you.' " This is related by Abu Dawud, ad-Daraqutni, and al-Baihaqi.

Malik, ash-Shaf'i, and Ahmad ibn Hanbal hold that there is no zakah on women's jewelry regardless of its value. Al-Baihaqi relates that Jabir ibn 'Abdullah was once asked if jewelry was subject to zakah. He replied that it was not, even if its value exceeded one thousand dinars.

Al-Baihaqi also narrates the case of Asma': "Asma' bint Abu Bakr used to adorn her daughters with gold. Although its value was around fifty thousand dinars, she did not pay zakah on it."

It is related in al-Muwatta' from 'Abdurrahman ibn al-Qasim from his father that 'Aishah used to take care of her nieces, who were orphans under her protection, and adorned them with jewelry without paying its zakah. Also in al-Muwatta' it is related that 'Abdullah ibn 'Umar used to adorn his daughters and slave girls with gold without paying zakah.

Summing up the subject, al-Khattabi concludes: "What appears in the Qur'an supports the view of those who hold that zakah is obligatory on gold and silver, and the traditions also support this. Those who did not consider it obligatory based their view on speculation and some of the traditions. However, to be on the safe side, it is better to pay." These different views deal with allowable gold or silver adornment. As for other adornments which are prohibited-- that is, a woman wearing a man's adornment--their zakah should be paid. The same rule is applied to gold or silver utensils.

## Fiqh 3.17: Zakah on a Woman's Dowry

Abu Hanifah is of the opinion that there is no zakah on the dowry of a woman until she comes to possess it. At the same time, the dowry must constitute the nisab at the end of the year. The position, however, will be different if the woman has accumulated a nisab other than the dowry. In such a case, any amount she receives should be added to the nisab, and zakah should be paid at the end of a year of possession. Ash-Shaf'i holds that a woman must pay zakah on her dowry at the end of one year, even if it is before the wedding. The probability of its restitution because of nullification, or its fifty percent refund because of divorce, does not exempt her from paying it. The Hanbaliyyah are of the opinion that dowry is a credit for women and that it is similar to debts. If the recipient of a dowry is rich, the payment of its zakah is obligatory. If the recipient is insolvent, or does not acknowledge it, then, according to al-Khiraqiyy, the zakah is obligatory regardless of the consumation of marriage. If a woman receives half of her dowry (in the case of her divorce before consumation), she should pay zakah only on the received half. However, if all of the dowry is cancelled before she receives it (in the case of nullifying the marriage on her behalf), she is under no obligation to pay its zakah.

## Fiqh 3.17 a: Zakah on House Rent

Abu Hanifah and Malik maintain that the rent is not payable to the landlord at the time of the contract but at the expiry of the renting period. Thus, the landlord who rents out a house should pay the zakah on his house rent, provided the fixed amount meets the following conditions: receiving of the money and completion of nisab at the end of the year. The Hanbaliyyah think that once the contract is concluded, the landlord is entitled to have rent. Thus, if someone leases his house, the zakah is due upon its fixed rate reaching a nisab at the end of the year. This is so because the landlord has the right to spend the rent the way he wants to. The possibility of cancelling the lease does not invalidate the obligation to pay zakah. This case is similar to the case of dowry before the consumation of a marriage. If the rent is an arrear rent, then it should be treated as a debt either as paid or postponed. In al-Majmu', an-Nawawi says: "If somebody leased a house and was paid in advance, he should pay its zakah on receiving it. This is uncontroversial."

## Fiqh 3.18: Zakah on Trade

The majority of scholars among the companions, the followers, the generation after them, and the jurists who came subsequently held that zakah on merchandise is compulsory. Abu Dawud and alBaihaqi relate that Samurah ibn Jundub reported: "The Prophet, upon whom be peace, used to command us to pay sadaqah from [the goods] we had for sale." Ad-Daraqutni and al-Baihaqi relate that Abu Zharr reported the Prophet, upon whom be peace, saying: "There is sadaqah on camels, sheep, cows, and house furniture." Ash-Shaf'i, Ahmad, Abu 'Ubaid, ad-Daraqutni, al-Baihaqi, and 'Abd ur-Razzaq relate that Abu 'Amr ibn Hammas reported from his father that he said: "I used to sell leather and containers. Once, 'Umar ibn al-Khattab passed by me and said: 'Pay the sadaqah due on your property.' I said: 'O Commander of the Faithful, it is just leather.' He replied: 'Evaluate it and then pay its due sadaqah.' "

Commenting on its credentials, Ibn Quadmah says in alMughni that this is a kind of story which is well-known and indisputable. This might be a consensus of opinion.

On the other hand, the Zahiriyyah maintain that merchandise is not subject to zakah. They differ, says Ibn Rushd, because of their use of analogical reasoning to the obligation of zakah and because of their disagreement on the authenticity of Samurah's and Abu Zharr's reports.

However, the majority of jurists view merchandise as a property which increases in value. Hence, by analogy, it is similar to the three categories upon which zakah must be paid: plantations, cattle, and gold and silver.

It is stated in al-Mandr: "Most scholars agree that zakah is obligatory on merchandise even though there is no clear-cut ruling in the Qur'an or the sunnah on this issue. However, there are a number of reports that corroborate each other with regard to the evidence provided by [their] texts. Their

rationale is that since merchandise is a form of cash, there is no difference between it and dinars or dirhams in terms of which it is valued. This means that the form of the nisab can alternate between value in the form of cash and that which is valued in the form of merchandise. If zakah had not been obligatory on merchandise, the rich--or most of them --would have converted their cash into merchandise for trading purposes, making sure that the nisab of gold and silver is never possessed by them for a year."

The main consideration here is that by levying zakah on the rich, Allah the Exalted wants to help the poor and to promote the welfare of the people in general. For the rich, its benefit lies in cleansing their persons of stinginess--both in money and feelings. For the poor, its benefit lies in easing their circumstances. Zakah thus eliminates the causes of corruption which results from the increase of money in a few hands. It is this wisdom which the Qur'an refers to when it deals with the distribution of booty: "... that it becomes not a commodity between the rich among you" (al Hashr 7). Therefore, it is not reasonable to exempt businessmen from their societal obligations when they possess most of the nation's wealth.

## Fiqh 3.19: When Goods can be Judged as Trading Goods

The author of al-Mughm states that: "Merchandise can only be considered as trading goods for two reasons:

1 The actual possession of merchandise is acquired by an act such as a commercial transaction, marriage, divorce demanded by the wife (khul'), acceptance of a gift, bequest, booty, and other lawful acquisition. This is because that which is not subject to zakah cannot be considered as so subsequent to its possession on the basis of niyyah (intention) only, as, for example, in the case of fasting. It does not make any difference whether a person came to possess such items by buying them or not because his possession is by an act similar to inheritance.

2 The goods are intended, at the time of possession, for trade. These are considered as non-trade goods even though the person intends to use them later for trade.

However, if he possesses these goods through inheritance and intends them for trade, they are not considered as trade goods because the determining factor in such cases is the status of acquisition, not the temporary state of trade. Mere intention will not provide a valid reason to change its status. For example, if a person intends to travel without embarking upon it, then the mere expression of his intention will not constitute the act of traveling. Likewise, if a person bought merchandise for trade and then intended it for possession, it would be considered as such and zakah will not be paid on it.

## Fiqh 3.20: How is Zakah on Trade Money to be Paid

One who possesses merchandise with a nisab for a year should pay zakah on it, the amount of which is a quarter of a tenth of its value. This should be done by a businessman every year. However, the period of a year does not come into effect unless his inventory constitutes a nisab.

Assuming a businessman possesses merchandise short of a nisab and part of a year has passed, his inventory subsequently increases through an unusual rise in value (because of supply and demand or through price fluctuation) so that it constitutes a nisab; or he sold merchandise for the price of a nisab; or during the course of the year he comes to possess other merchandise which, together with his previous amount, completes a nisab; then, the hawl (for the purpose of zakah) starts at that time, and the time elapsed is not taken into consideration. This is the view of the Hanafiyyah, ath-Thauri, ashShaf'i, Ishaq, Abu 'Ubaid, Abu Thaur, and Ibn al-Munzhir.

According to Abu Hanifah, if the merchandise in possession constitutes a nisab at the beginning of the year and also at the end, zakah will still be applicable even though the nisab might have decreased within that time. The reason is that it is difficult to ascertain its completeness in the intervening period.

The Hanbaliyyah hold that if the merchandise decreases during the course of the year and increases again until it constitutes a nisab, the (requisite) period of a year starts all over again because it has been interrupted in its course by the decrease.

## Fiqh 3.21: Zakah on plants and fruit

Allah has made zakah obligatory on plants and fruit, for He says: "O you who believe! Spend of the good things which you have earned, and of that which We bring forth from the earth" [alBaqarah 267]. Zakah is called expenditure (nafaqah). Giving the justification for paying zakah on produce, Allah says: "He it is who produces gardens trellised and untrellised, and the date palm and the crops of diverse flavors, and the olive, and the pomegranate, like and unlike. Eat of the fruit thereof when it produces fruit, and pay its due upon the harvest day" [alAn'am 141]. In his explanation of the word haqq (due) in the preceding 'ayah, Ibn 'Abbas says that by haqq is meant both the obligatory zakah and the 'ushr (tithe) and the half-tithe.

## Fiqh 3.21 a: Zakah on Plants and Fruits at the Time of the Prophet

During the time of the Prophet, upon whom be peace, zakah was levied on wheat, barley, dates, and raisins.

Abu Burdah related from Abu Musa and Mu'azh that when the Messenger of Allah, upon whom be peace, sent the (latter two) to Yemen to teach its inhabitants Islam, he commanded them to levy sadaqah only on wheat, barley, dates, and raisins. This hadith is related by ad-Daraqutni, al-Hakim, at-Tabarani, and al-Baihaqi.

Commenting on the status of the report, al-Baihaqi says that its chain is muttasil (uninterrupted) and its narrators are credible.

Whether sadaqah on such items should be considered zakah or not, Ibn al-Munzhir and ibn 'Abd al-Barr say: "The scholars are of the opinion that sadaqah is obligatory on wheat, barley, dates, and raisins." This opinion has its roots in a saying by Ibn Majah that the Messenger, upon whom be peace, regulated the payment of zakah on wheat, barley, dates, raisins and corn. Muhammad ibn 'Ubaidullah al-'Arzumi, a narrator in its chain, however, is of questionable status in the eyes of the scholars, and as such, his report is not credible.

## Fiqh 3.22: Plants and Fruits Which Were Not Subject to Zakah

Zakah was not levied on vegetables or fruit, with the exception of grapes and fresh dates (rutab). 'Ata ibn as-Sa'ib reported that 'Abdullah ibn al-Mughirah wanted to levy sadaqah on Musa ibn Talha's vegetables. The latter objected, saying: "You have no right to do that. The Messenger of Allah used to say: 'There is no sadaqah on this [vegetables].' " This is related by ad-Daraqutni, alHakim, and al-Athram in his Sunan. This hadith is mursal.

Musa ibn Talhah says: "Five things [which were subject to zakah] were mentioned by the Messenger of Allah, upon whom be peace: barley, wheat, sult [a kind of barley having no husk], raisins, and dates. Whatever else the land produces is not subject to the 'ushr. It is also reported that Mu'azh did not levy sadaqah on vegetables."

Commenting on the status of these reports, al-Baihaqi says: "All of these hadith are of the mursal kind but were reported from different authorities. Nevertheless, they confirm each other." The hadith on this subject include the sayings of 'Umar, 'Ali, and 'Aishah.

Al-Athram narrated that one of Caliph 'Umar's governors wrote to him conceming grape plantations, including peaches and pomegranates which produced twice as much harvest as the grapes. He wrote back: "There is no 'ushr (tithe) on them. They pertain to 'udah--items that cannot be distributed in inheritance."

At-Tirmizhi agrees with the preceding and says: "The practice [based upon this] among most jurists is not to levy sadaqah on vegetables." Al-Qurtubi also supports this: "Zakah is to be levied on the muqtat [land products used as stable food] and not on vegetables." In at-Ta'if, they used to grow pomegranates, peaches, and citrus, but there is no confirmation that the Prophet and his successors levied zakah on them.

Ibn al-Qayyim contends: "It was not his [the Prophet's] practice to levy zakah on horses, slaves, mules, donkeys, and vegetables, melons, cucumbers, and fruits, which cannot be stored or measured by capacity. The only exceptions were grapes and fresh dates. On the latter two kinds, zakah was levied as a whole, without differentiation whether or not they were dry."

## Fiqh 3.23: The Opinion of Jurists

There is no difference of opinion among jurists concerning the obligatory nature of zakah on plants and fruits. They do, however, differ on the kinds of plants and fruits which should be subject to zakah. Here is the broad spectrum of opinions on the subject:

Al-Hasan al-Basri and ash-Shu'abi hold that zakah is only on the specified items (in the Qur'an and sunnah)--that is corn, dates, and raisins--since other kinds are not mentioned. Ash-Shaukani upholds this view.

Abu Hanifah maintains that zakah is due on every type of produce of the land including vegetables, but excluding what is not intentionally planted and cultivated such as firewood, bamboo, grass, and those trees which bear no fruit. His opinion is based upon the general meaning of the Prophet's saying: "From what the heavens irrigate, a tithe [is due]." The meaning is general and encompasses all types of arable products, which are planted to make the land grow, and therefore refers to any agricultural practices similar to the growing of grains (habb).

Abu Yusuf and Muhammad hold that zakah is payable on every product of the land, provided it lasts the whole year without too much care or treatment. This includes produce measured by capacity, such as grains, or by mass, such as cotton and sugar. If the produce does not last a whole year, such as the two kinds of cucumber (quththa' and khiyar), watermelons and others of their kind, there is no zakah on them.

Malik holds that zakah is payable on that which is produced on the land and which stays, becomes dry, and is planted by human beings. This includes land produce used as nonperishable food (muqtat), such as safflower and sesame seeds. According to him, there is no zakah on vegetables and fruits such as figs, pomegranates and apples. Ash-Shaf'i maintains that zakah is payable on any produce, provided the resulting crop is used as regular food which can be stored and planted by human beings, such as grains and barley.

An-Nawawi says: "Our opinion is that there is no zakah on any trees other than palm and grapevines. There is also no zakah on grains other than the one which is or can be stored, and no zakah on vegetables." Ahmad is of the opinion that there is zakah on everything that Allah causes the land to produce, such as grains and fruits, that can be dried, preserved, measured and planted by human beings, whether they be considered nonperishable foods, such as wheat and qutniyyat (including peas, beans, lentils and such other grains), or spices and herbs (ahariz), such as coriander, caraway seeds, or seeds such as linseed of the fluz plant (kittan seeds), the seeds of the two kinds of cucumber (quththa' and khiyar), or safflower and sesame seeds.

According to Ahmad, zakah is also payable on dry fruits such as dates, raisins, apricots, figs, almonds, hazel nuts, and pistachio nuts if the preceding specifications apply to them. There is no zakah on fresh fruit such as peaches, pears, apples, apricots, and figs. In the same way, it is not due on vegetables such as the two kinds of cucumber, watermelons, eggplants, turnips, and carrots.

## Fiqh 3.24: Zakah on Olives

An-Nawawi says: "As for olives, our [Shaf'iyyah] view is that there is no zakah on them." This is also the opinion of Hasan ibn Salih, Ibn Abu Layla, and Abu 'Ubaid.

Scholars such as as-Zuhri, al-Auza'i, al-Layth, Malik, athThauri, Abu Hanifah, and Abu Thaur maintain that there is zakah on olives. Az-Zuhri, al-Layth, and al-Auza'i hold: "Determine its quantity by conjecture (yukharras), and then take its zakah in the form of olive oil," while Malik says: "There is no need to compute its quantity by conjecture (yukharras). Take a tithe subsequent to the olives being pressed and attain the weight of five awsuq."

## Fiqh 3.24 a: The Origin of the Different Opinions Concerning Zakah on Plants and Fruits

Of their differences on the payment of zakah pertaining to plants and fruits, Ibn Rushd informs us: "The difference of opinion lies in the fact that some jurists confine paying of zakah to only those items of consumption which are generally agreed upon, while others go beyond those items and include dried fruits in them too. [The crux of the issue is]: What qualifies the four edible items [wheat, barley, dates, and dried grapes] for zakah? Are they subject to zakah because of their being delineated as such or because of their special import to the subsistence of life? Those who subscribe to the first view restrict payment of zakah to the four edibles, and those who subscribe to the second view extend the obligation to all land produce except for grass, firewood, and bamboo. There is a consensus on the latter being excluded from zakah. However, when it comes to the use of analogy based on a general statement, both groups rest on shaky ground."

The saying of the Prophet, which uses the expression allazhi yaqtazhi, reads: "From what the heavens water, a tithe [is due], and from what is watered by irrigation [nazh] a half a tithe." The relative pronoun ma is used to mean al-lazhi, which is a general expression. Allah, the Exalted, also says: "It is He who has brought into being gardens--both the cultivated ones and those growing wild--and the date palm, and fields bearing multiform produce, and the olive trees, and the pomegranate: all resembling one another and yet so different. Eat of their fruit when it comes to fruition, and give unto the poor their due on the harvest day ..." [al-An'am 141].

Analogically speaking, zakah aims at counteracting poverty and this cannot be done through zakah on land produce which is edible and sustains life.

Restricting a general statement with this kind of analogical reasoning vitiates zakah on all land produce except ones which sustain life. Those who follow the general import of the Prophet's saying add some more to the generally acknowledged four items. Excluded of course are the ones on which there is consensus.

Again, those who agree upon land produce of a subsistance kind often differ over whether it can be considered as being subsistent. Can analogical reasoning be the basis of what they agree upon or not? An example of such a disagreement is that of Malik and ash-Shaf'i regarding olives. Malik holds that zakah on olives is obligatory, while ash-Shaf'i is against it, according to a latter view expressed in Egypt. The reason for his disagreement is whether olives could be considered as food vital for life or not.

## Fiqh 3.26: Nisab of Plants and Fruits

Most scholars say that there is no zakah on plants or fruits until they attain the amount of five awsuq. Furthermore, this becomes applicable only after the chaff, straw, and husk are removed. If it is not cleansed of husk, then the amount of zakah would be ten awsuq.

Abu Hurairah reported that the Prophet, upon whom be peace, said: "There is no sadaqah (zakah) on that which is less than five awsuq." It is also narrated by Ahmad and al-Baihaqi with a good chain.

Abu Sa'id al-Khudri reported that the Prophet, upon whom be peace, said: "There is no sadaqah on any amount of dates or grains less than five awsuq." A wusuq by consensus of opinion is sixty sa'as (a cubic

measure of varying magnitude). This hadith is said to be munqati that is--a hadith with an interrupted chain.

Both Abu Hanifah and Mujahid hold that zakah is due on any amount, little or big, in accordance with the generic nature of the Prophet's saying: "From what the heavens water, a tithe [is due] ..." This is because land produce is perishable and cannot be preserved for a whole year. In that case, such produce does not attain a nisab within a one-year period.

Ibn al-Qayyim's discussion of the subject is that the authentic and explicit sunnah for a tithe's nisab is the hadith: "From what the heavens water, a tithe [is due], and from what is watered by irrigation (gharb-vessel) a half a tithe." This is applicable to both small and large quantities as opposed to the specific amount mentioned in other hadith. In its application, a generic statement is as important as a specific one. Should there be a conflict between the two, then the most comprehensive will be applicable. This is the rule.

It has been said that both of the preceding hadith ought to be followed. In their essence, they do not contradict each other, nor does one of them have to cancel the other. The Messenger of Allah, upon whom be peace, has to be obeyed in this matter, for he said: "From what the heavens water, a tithe [is due] . . ." This saying seeks to distinguish between the two (categories): one on which a tithe is due, and the other on which only half of the tithe is due. He therefore distinguished between the two categories only in respect to the amount due. There is no mention of any amount of nisab in this hadith. However, he mentioned it explicitly in another hadith which cannot be ignored as something that is general or is intended to be so and not otherwise. It is similar to other statements of general import which have been explained in the texts.

Ibn Qudamah concludes: "The saying of the Prophet, upon whom be peace, that 'there is no sadaqah [zakah] on anything less than five awsuq' is agreed upon. This hadith is specific, and for this reason takes precedence and clarifies his previous statement of general import. This is similar to his saying that 'zakah is due on all freely grazing camels,' which becomes explicit by his other saying on the same subject: 'There is no sadaqah on less than five camels.' Likewise his saying: 'Sadaqah on silver is a fourth of the tithe,' becomes specific by a latter utterance: 'There is no sadaqah on any amount less than five ounces.' Thus, it is possible to have holdings which qualify for sadaqah per se, but on which it is not levied."

When it comes to land produce, possession of a property for a year cannot be used as criterion, because their maturity or growth is completed by the time of harvest, and not by their continuity extended beyond a year. However, possession is considered for goods other than land produce since it is generally assumed that by the end of the year they must have completed their growth. The principle of attaining a nisab on any property is based on the understanding that a nisab is an amount large enough to be subjected to zakah. This may be explained by recalling that sadaqah is obligatory for the rich, which presupposes the existence of nisab generated by their holdings. For produce which cannot be measured but qualifies for zakah, a sa'a is used. One sa'a is a measure equal to one and one-third cups (gadah). Thus, a nisab is fifty kaylah (kaylah is a dry measure of weight, in Egypt it is equal to 16.72 L). As to the produce which cannot be measured, Ibn Quadamah says: "The nisab of saffron, cotton and such items is to be weighed at 1,600 Iraqi pounds (ratl, an Iraqi ratl equals approximately 130 dirhams). Thus, its weight is estimated."

Abu Yusuf says that if the produce cannot be measured, then zakah can only be levied on it when its value attains the nisab of articles subject to the lowest standard of measurement. Thus, zakah will not be levied on cotton until its value reaches five awsuq of an article to the lowest value so measured, such as barley and the like. This is because it is impossible to measure the article in itself except by the lower price of two nisabs. According to Muhammad ibn al-Hasan: "For zakah, a product has to reach five times the greatest value of its kind. Thus, zakah is not payable on cotton when it reaches five qintars, because evaluation by means of wusuq is based on the consideration that its value is higher than what is valued in kind."

## Fiqh 3.28: The Rate of Zakah

The rate of zakah differs according to the method of irrigation. If it is watered naturally without the use of artificial means, then the zakah payable is a tithe (one-tenth) of the produce. However, if it is irrigated by a mechanical device or with purchased water, then the zakah payable is half a tithe.

Mu'azh reports that the Prophet, upon whom be peace, said: "On that which is watered by the heavens, or by an adjacent water channel, a tithe is due. As for what is irrigated through a well or a stream, its zakah is half a tithe." This hadith is narrated by alBaihaqi and al-Hakim, and is graded sahih.

Ibn 'Umar reported that the Prophet, upon whom be peace, said: "On that which is watered by the heavens or springs or its own roots, a tithe is due, and on that watered by a well or a stream, half a tithe." This hadith is narrated by al-Bukhari and others.

In case the land is watered equally by artificial as well as natural means, then zakah payable will be three-fourths of a tithe.

Ibn Qudamah stated that he did not know of any difference of opinion on the preceding hadith. If one method of watering is used more than the other, then for calculating zakah, this would be the determining factor. This is the view of Abu Hanifah, Ahmad, athThauri, and ash-Shaf'i (one of his two opinions).

All of the costs involved in harvesting, transportation, threshing, cleaning, storing, and others are to be borne by the owner from his property and should not be accounted for against the zakah to be paid.

Ibn 'Abbas and Ibn 'Umar hold that whatever is borrowed for the purpose of tilling, planting, and harvesting should first be taken out.

This is evident from their following statements reported by Jabir ibn Zaid that Ibn 'Abbas and Ibn 'Umar said that a man who borrows in order to spend it either on cultivation (of his land) or on his family must first pay off his debt, then pay zakah on the rest. Ibn 'Abbas said: "First he must pay off what he spent on cultivation, and then pay zakah on the rest." Yahya ibn Adam related this in al-Kharaj.

Ibn Hazm relates from 'Ata that all expenses are to be deducted first. If zakah is applicable to the remaining amount, only then will it be paid.

## Fiqh 3.29: Zakah on Kharajiyyah Land

Land subject to tax is divided into two categores:

1 'ushriyyah land (tithe land): land owned by people who accepted Islam willingly or who were conquered by force and had their land divided among the conquerors, or land revived and cultivated by Muslims; and

2 kharajiyyah land (taxable land), land conquered by force and left to its original owners on the condition that they pay the required land tax.

Just as zakah is payable on 'ushriyyah, so it is paid on kharajiyyah when the inhabitants of the latter accept Islam or when a Muslim buys it. In that case, both the tithe and the kharaj become due, and neither of them will negate the application of the other.

Ibn al-Munzhir witnesses: "This is the view of most of the scholars, including 'Umar ibn 'Abdulaziz, Rabi'ah, az-Zuhri, Yahya al-Ansari, Malik, al-Awzai, ath-Thauri, al-Hasan ibn Salih, Ibn Abu Layla, al-Layth, Ibn al-Mubarak, Ahmad, Ishaq, Abu 'Ubaid, and Dawud." Their opinion is derived from the Qur'an, the sunnah, and the exercise of their intellect--that is, by means of analogical reasoning or qiyas.

The Qur'anic verse referred to is: "O you who believe! Spend of the good things which you have earned and of that which We produce from the earth for you" [al-Baqarah 267]. Sharing the produce of ones land with the poor is obligatory, whether the land is kharajiyyah or 'ushriyyah. The sunnah referred to is: "From what the heavens water, a tithe [is due]." This hadith encompasses in its general meaning both the kharaj and the 'ushriyyah land.

As to the analogical reasoning (qiyas), both zakah and kharaj are a kind of obligations (haqq), each based on a different reason, and one does not nullify the other. It is similar to the case when a person who is in the state of ihram kills privately owned game (for eating). Since the tithe is payable by the force of the text, it cannot be negated by kharaj, which becomes payable by the force of ijtihad. Abu Hanifah holds that there is no tithe on kharaj land. Kharaj, he says, is due only when the land is conquered, (whereas) one of the conditions governing the obligatory nature of the tithe is that the land should not be kharajiyyah.: The Validity of Abu Hanifah's View

Imam Abu Hanifah provides the following evidence for his view: According to Ibn Mas'ud, the Prophet, upon whom be peace, said: "Neither kharaj nor tithe ['ushr] are payable simultaneously on the land of a Muslim."

The preceding hadith is by consensus held to be weak (da'if). Yahya ibn 'Anbasah reported it on the authority of Abu Hanifah from Hammad from Ibrahim an-Nakha'i from 'Alqamah, from Ibn Mas'ud from the Prophet, upon whom be peace.

Al-Baihaqi probes its chain and says in al-Ma'rifah as-Sunan wa al-Athar: "The preceding hadith is narrated by Abu Hanifah from Hammad from Ibrahim on his own authority. Thus, Yahya reported in suspended (marfu') form." Yahya ibn 'Anbasah is well-known for interpolating unauthentic sayings and attributing them to established authorities. This was related by Abu Ahmad ibn 'Adiyy al-Hafiz as we were informed by Abu Sa'id al-Malini about him."

Likewise, al-Kamal Ibn al-Humam, a leading Hanafiyyah, considers the hadith weak.

Ahmad, Muslirn, and Abu Dawud relate from Abu Hurairah that the Prophet, upon whom be peace, said: "Iraq would refrain from paying its qafiz' and dirham, Syria its mudd and dinar, and Egypt its ardab and dinar. Thus, you would come back from where you had started." He said this three times. Abu Hurairah heard this in person.

This hadith does not provide evidence to the effect that zakah should not be taken from kharaj land. The scholars interpret it to mean that the conversion of these countries to Islam would eliminate land tax. It may also have alluded to dissensions which could prevail at the end of time and which would lead to neglecting or fulfilling the obligation of zakah, jizyah and other such dues by them.

An-Nawawi says: "If this hadith means what they [the Hanafiyyah] claim, then it means that zakah could not be enjoined on dirhams, dinars, and merchandise. If this is so, then nobody subscribes to it."

It was reported that when the dahqan (grandee) of Bahr al-Mulk embraced Islam, 'Umar ibn al-Khattab said: "Give him the land and collect the land tax from him." This is a clear statement on the matter of taking kharaj without demanding payment of the tithe.

This incident indicates that kharaj is not cancelled for any person after he embraces Islam, nor does it lead to the cancellation of tithe. He mentioned kharaj here as a way of stating that it will not be cancelled by embracing Islam, like jizyah. As for the tithe, it is well known that it is binding on a free Muslim, so there is no need to mention it. He also did not mention the levy of zakah on cattle. This holds for the payment of zakah on silver and gold and other valuables. Perhaps the dahqan (grandee) did not possess anything which required the levy of a tithe on it.

It is said that the practice of the rulers and imams was not to combine the 'ushr and kharaj. Ibn al-Munzhir disapproves of such a practice because 'Umar ibn 'Abdulaziz did combine the two.

**It is also said that kharaj is the opposite of 'ushr. This means that kharaj is a consequence of conquest, whereas 'ushr is an act of worship. Therefore, the two cannot be combined (at one time) and obtained simultaneously from the same person. This held true in the beginning (when lands were conquered), but it is not tenable in the long run. Nevertheless, not all forms of kharaj are based on force and conquest since some of its forms are instituted without force as, for example, in the case of lands adjoining a kharaj land or in the case of acquired and revived land watered with streams.**

**It is also said that the reason behind the imposition of kharaj and 'ushr is one--that is, an actually or potentially yielding land. This can be explained by recalling that if it is marsh land of no benefit (sabkhah), there is no kharaj or 'ushr on it. That is, one cause cannot demand two dues of the same kind. This is similar to the case of an individual who for a year possesses free-grazing camels (sa'imah) intended for sale, for such a person is not required to pay two kinds of zakah--that is, one for possession and one for trade.**

**This is not the case because the 'ushr (tithe) is payable on the land's produce and the kharaj on the land itself, regardless of whether it is planted or not. As to the admissibility of the unity of cause, alKamal ibn al-Humam explains there is nothing to prevent two obligations from being connected to one cause, such as land.**

**Most scholars are of the opinion that anyone who rents a piece of land and cultivates it must pay the zakah, not the true owner of that land. To this Abu Hanifah replies: "Zakah is due on the land owner." Ibn Rushd holds: "Their difference lies in whether the 'ushr is payable on the land itself or its produce." Obviously, zakah, as their views suggest, is payable on either of them. The difference is only of priority, considering that both the produce and the land belong to the same owner. Most scholars say that zakah is due on seeds (habb). Abu Hanifah holds that the essence of obligation rests with the land. Ibn Qudamah inclines toward the majority's view and says: "The obligation lies on the produce and is payable by its owner, as in the case of zakah on the value [of a property] intended for trade. Also, it is similar to the tithe payable on the produce of the land owned." Their (the Hanafiyyah) view is not authentic, for if zakah were to be levied on the value of the land, then it would have been obligatory even if the land was not cultivated, as is the case with the land tax, and even nonMuslirns would not be excluded from its application. Be that the case, kharaj would have to be estimated on the land itself, not on the value of produce--that is, it would be considered part of the expenditure of fay', not the expenditure of zakah.**

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## Fiqh 3.32: The Estimation of Nisab on Palm Trees and Grapevines Through Khars, Not by Measure (Kayl)

As soon as palm trees and grapevines ripen and their produce is ready to be picked, an estimation of their nisab is made without their actual weighing. The process is carried out by a knowledgeable and trustworthy person who estimates the amount of fresh grapes and dates still on the trees for zakah as if they were dry dates and raisins. The arnount of zakah is, however, payable when the fruit becomes dry.

Abu Humayd as-Sa'idi related: "We went on the expedition of Tabuk with the Prophet, upon whom be peace. When we arrived at Wadi al-Qura, we saw a woman in her orchard. The Prophet said: 'Let us estimate [her zakah].' Then the Messenger, upon whom be peace, estimated ten awsuq and told her: '[The amount of zakah] has been calculated on your [orchard's] produce.' " This is narrated by alBukhari.

This is the practice of the Messenger of Allah, upon whom be peace, and his companions and the scholars observed it.

The Hanafiyyah have different views because they consider conjecture to be uncertain, and therefore, of no use in determining the amount owed. Still, the tradition of the Messenger of Allah is a better guide ('azha) because conjecture is not guessing; it is a diligent attempt to estimate the amount of the produce. It is the same as estimating the amount of the produce lost (because of its being rotten or moth-ridden). The basis for conjecture rests on the custom that people eat fresh fruits, and as such, there is no need for calculating the amount of zakah before it is eaten or plucked. In this way, the owners are allowed to do what they want and, at the same time, to determine the amount of zakah. The appraiser should ignore a third or a fourth of the produce as a reprieve for the property owners since they, their guests, and their neighbors need to eat some of it. Also, the produce is exposed to such perils as birds feeding, passers-by plucking, and wind blowing. Any appraisal of the amount of zakah on all of the produce without excluding a third or a fourth of it (for the preceding reasons) would have militated against the genuine interests of the owners.

Sahl ibn Abu Hathamah related that the Prophet, upon whom be peace, said: "Whenever you conjecture, estimate the [zakah] and ignore one-third. If you do not, then leave [at least] one-fourth." This is narrated by Ahmad and the authors of Sunan, except for Ibn Majah. It was also reported by al-Hakim and Ibn Hibban, and they both authenticated it. Commenting on the status of the report, atTirmizhi says: "The hadith reported by Sahl is the one enacted or followed by most scholars." Bashir ibn Yassar said: "When 'Umar ibn al-Khattab appointed Abu Hathamah al-Ansari to estimate the property of Muslims, he told him: 'Whenever you see that the people have left some dates unplucked for autumn, leave them for the people to eat, and do not estimate the zakah on them.' "

Makhul said: "Whenever the Messenger of Allah, upon whom be peace, assigned someone to estimate, he would say: 'Be easy on the people, for some of their property [trees] could be barren, some low, and some for [their] eating.' " It was narrated by Abu 'Ubaid, who added: "The low palm tree is called as-sabilah and allows its fruit to be plucked by passers-by. The eating tree (al-akilah) is a palm tree especially designated as an eating tree for the owner's family or for whoever is attached to them."

## Fiqh 3.34: Eating of the Grains

It is permissible for the owner to eat from the grain, and whatever he consumes will not be included in the quantity subject to zakah, for this is a long-standing custom. In any case, only a small amount is actually eaten. It is the same as an owner of a fruitbearing tree eating some of its produce. Therefore, the zakah will be estimated on the actual amount after he harvests the crop and husks the seeds. Ahmad was asked about the eating of farik (rubbed green wheat) by the owner, and he answered that there is no harm if the owner eats what he needs. This is also the opinion of ash-Shaf'i, al-Layth and Ibn Hazm. However, Malik and Abu Hanifah hold that the owner will have to account for what he eats.

## Fiqh 3.34 a: Combining Grains and Fruit

Scholars agree that various kinds of fruit can be combined even if their quality is different--that is, excellent or bad in quality. Different kinds of raisins may also be combined together, and so can the various kinds of wheat and cereals.

They also agree that merchandise and its cash value received can be combined. Ash-Shaf'i allows combining goods and cash only when purchased because the nisab is calculated upon that. Scholars also do not allow the combination of certain categories with others in order to attain a nisab, with the exception of grains and fruits. That is why one category of animals cannot be combined with another. For example, camels cannot be added to cattle to complete a nisab, nor can fruit be combined with raisins.

Scholars have different points of view in regard to combining various types of grains with one another. The best and the most correct opinion is that no two things can be combined to calculate a nisab. The nisab must be considered on every category by itself. This is because there are various categories and many kinds. Therefore, barley cannot be added to wheat, nor can the latter be added to the former, which is also true of dates and raisins, and chickpeas and lentils. This is the opinion of Abu Hanifah, ash-Shaf'i, and Ahmad, according to one of the reports. Most of the early scholars hold this opinion.

Ibn al-Munzhir says that most scholars concur that camels cannot be combined with cattle or sheep, or cattle with sheep, nor dates with raisins. Thus, there can be no combining of different kinds of produce or animals. Those who allow such a practice do it without any authentic proof.

## Fiqh 3.35: When Zakah is Due on Plants and Fruits

Zakah is due on plants when the grains mature and are ready to be rubbed off and on the fruit when it is ripened. In the case of dates, for example, the indication will be their brightness or red color, and with grapes their sweetness. Zakah becomes due only after grains are husked or the fruit becomes dried. If the farmer sold his grain after it had matured, and the fruit after it had ripened, then its zakah will be paid by him and not the buyer. This is because the obligation to pay zakah became due when the produce was still in the owner's possession.

## Fiqh 3.35 a: Payment of Good (Things) for Zakah

Allah, the Exalted One, commanded those paying zakah to set it aside from the good portion of their property and forbade paying it from the bad portion. He says: "O you who believe! Spend of the good things you have earned and from that which We bring forth from the earth for you, and seek not the bad [with intent] to spend thereof [in charity] when you would not take it for yourselves save with disdain. And know that Allah is free of all wants and worthy of all praise" [alBaqarah 267].

Abu Dawud, an-Nasa'i and others reported from Sahl ibn Hanif from his father that: "The Messenger of Allah, upon whom be peace, forbade paying zakah with two kinds of dates called ju'rur and habiq. People used to set aside the worst of their fruit for sadaqah but were later on forbidden to do this by Allah: 'And seek not the bad [with intent] to spend thereof [in charity]' [al-Baqarah 267]."

While mentioning this verse, al-Bara' said: "This was revealed in relation to us [al-Ansar--the Helpers], because we were owners of palm trees. A man may bring from his palm trees [dates] depending on how much he had, a cluster or two, and hang it at the mosque, and the people of the Saffah who had no food would come to the cluster and beat it with their rod. The green and unripe dates would fall off and they would eat them. There were people who did not seek good. Someone would bring a cluster of bad or inferior quality dates [shis and hashaf] or an already-broken cluster [before it had ripened] and hang it at the mosque. At this time, Allah revealed the 'ayah: 'And seek not the bad [with intent] to spend thereof [in charity] when you would not take it for yourselves save with disdain' [al-Baqarah 267]." Al-Bara' continued: "If one of you receives as a gift something similar to what he gives away, he would not accept it except out of feigned pleasure." Said al-Bara': "As a result of that, each one of us

used to offer the good part of what he had." It was narrated by at-Tirmizhi who said: "It is good and sound."

In his summation of the subject, ash-Shaukani says: "This [the preceding hadith] means that the owner is not allowed to set aside the bad from the good on which zakah is due, especially in regard to dates as well as, by analogy, the various other categories on which zakah is due. Furthermore, the collector of zakah is not allowed to take it.

## Fiqh 3.36: Zakah on Honey

Most scholars say that there is no zakah on honey. AlBukhari, for one, states: "There is no authentic tradition concerning zakah on honey." Ash-Shaf'i explains: "In my view, no zakah is levied on it because there is no evidence in the traditions (sunan and 'athar) for doing so. Thus, it was exempted." Ibn al-Munzhir affirms: "There is no tradition (khabar) which states that zakah must be paid on honey, nor is there a consensus. Therefore, there is no zakah on honey. This is the opinion of most scholars."

The Hanafiyyah and Ahmad are of the opinion that honey is subject to zakah, even though there is no evidence for this view in any tradition, except for some traditions ('athar) which support each other. Their reason is that since it is produced from blossoms, trees, and flowers and weighed and stored like other types of produce, zakah is due on it. They also say it is subject to zakah because the cost of producing it is less than the cost of growing fruits and plants. Abu Hanifah made it a condition that when zakah is due on honey, it should only be collected on honey produced on tithe land. However, he did not stipulate any nisab for it. If this is so, then reason dictates that it should be a tithe due on any amount. Imam Ahmad, on the contrary, stipulated that it should attain a nisab equal to ten 'afraq. One faraq equals sixteen Iraqi pounds. It makes no difference whether it is produced on kharaj or 'ushr land. Abu Yusuf contends: "Its nisab is ten pounds but Muhammad maintains: "It is five 'afraq." One faraq equals thirty-six pounds.

## Fiqh 3.39: Zakah on Animals

There are authentic ahadith explicitly indicating that camels, cattle, and sheep are subject to zakah. This enjoys the consensus. There are, however, some conditions to be met:

1 The animals concerned must attain a nisab.

2 They have to be in possession for one year.

3 They should have pastured by themselves -- that is, grazing most of the year in the available pasture.

Most scholars agree with these conditions. Malik and al-Layth, however, say that livestock is subject to zakah whether it be grazing or fodder-fed, used for carrying loads or not. Nevertheless, the ahadiths mentioned are unequivocal in restricting zakah to freely grazing livestock. This suggests that there is no zakah on fodder-fed livestock. It is always safe to base an opinion on evidence rather than on general implications to avoid possible misunderstanding of the Prophet's intent.

Ibn 'Abdul-Barr protests: "I do not know of any jurist in the provinces who followed Malik or al-Layth in this regard."

## Fiqh 3.39 a: Zakah on Camels

There is no zakah on camels unless there are five of them, they have been grazing freely and they have been in one's possession for a year. When the camels are five, their zakah is one sheep (shah).

When they are ten, their zakah is two sheep. Thus, every time they increase by five, the zakah due on

them is one more sheep. However, when they reach twenty-five, the due zakah is a she-camel (bint makhad or bint labun) which is a year old and starting the second, or a young male camel which is two years and already starting the third year. When they reach thirty-six, the zakah due on them is a young she-camel (bint labun). When they reach forty-six, the due zakah is a she-camel (huqqah) which is already three years old and starting the fourth. When they reach sixty-one, the due zakah is a four year old camel already starting its fifth year (jazh'ah). When they reach seventy-six, two young she-camels (bint labun) are due. When they are in the range of ninety-one to 120, the zakah is two young camels (huqqatan). When the number of camels is above 120, on every forty young she-camels, one bint labun is due. And on every fifty above 120, a young she-camel (huqqah) is due.

When the ages of camels offered for zakah differ, the owner should pay jazh'ah. If he does not have it, he may pay huqqah and may add two sheep or twenty dirhams provided he can afford to. The person who has to pay huqqah as zakah but does not have it only has to pay jazh'ah. The zakah collector, then, will pay him the difference, which is twenty dirhams or two female sheep. The one who has to pay huqqah and does not possess it can pay just the bint labun if he has it, along with two sheep if they are available. If not, he may pay twenty dirhams. If he has to pay the zakah of bint labun and does not have it, he can pay a huqqah and will receive from the zakah collector twenty dirhams or two sheep. If he has to pay the zakah of bint labun but has only bint makhad, it will be accepted from him along with two sheep if they are available, or twenty dirhams. If he is liable for the zakah of bint makhad and does not possess it, a ibn labun will be accepted from him without any additional things. If he has only four camels, he is not supposed to pay anything unless he wants to.

These are the rules concerning zakah on camels which were applied by Caliph Abu Bakr as-Siddiq, and none of the companions differed with him in this matter.

Az-Zuhri reported, on the authority of Salim from his father: "The Messenger of Allah, upon whom be peace, had the rules of sadaqah written down but could not send them to his govemors. Then, after his death, Abu Bakr dispatched them and applied them, a practice which Caliph 'Umar also followed and wanted others to follow, as indicated in his will."

## Fiqh 3.41: Zakah on Cattle

Cattle are subject to zakah provided they are a freely grazing herd and number thirty at the completion of the hawl. At that point, the zakah due is a young bull or a young cow (tabi' or tabi'ah). When they reach forty, the zakah is a young cow two years old (musinnah); when sixty, two young cows or two one-year-olds (tabi'ahs); when seventy, the zakah due is one musinnah and one tabi'; when eighty, two musinnahs; when ninety, three tabi's; when one hundred, one musinnah and two tabi's; when 110, two musinnahs and two tabi's; and when 120, three musinnahs or four tabi's. This system is followed on all additional cattle--one tabi', and on every forty, one musinnah.

## Fiqh 3.41 a: Zakah on Sheep (Including Goats)

Sheep are subject to zakah when their number reaches forty. When the herd counts forty freely grazing heads at the end of the year, its zakah is one sheep. This is applicable until the number reaches 120, at which point, up until 200, the zakah is two sheep. From 201 to 300, their zakah is three sheep. When the number is above 300, one additional sheep is added for each increment of one hundred. Young sheep (jazh') are levied in the case of sheep and young goats (thany) in the case of goats. It is permissible, say scholars without exception, to levy rams as a form of zakah if all of the nisab of sheep are male. If the sheep are ewes, or a grouping of males and females, the Hanafiyyah holds it is optional to levy a zakah rams, whereas others specify ewes.

## Fiqh 3.41 b: Regulation of Awqas

Definition of Awqas: Awqas is a plural form of waqs. A waqs is any amount or number that lies between the regulation of the lower ordinance and that of a higher one. Scholars agree that such a waqs is exempt from zakah. It has been confirmed in the sayings of the Prophet, upon whom be peace, concerning the sadaqah of camels that he said: "When the number of camels reaches twenty-five, a

young she-camel one year old and already starting the second (ibn makhad); when they reach thirty-six to forty-five, then the zakah due on them is a young she-camel two years old and already starting the third (bint labun)." Concerning the sadaqah of cattle, he said: "When cattle number between thirty and forty, the zakah is a young calf of one year old (tabi') or a bull or cow of one year and already starting the second (jazh' or jazh'ah); when they reach forty, a young cow of two years old and already starting the third (rnusinnah)." Concerning sadaqah on sheep, he said: "When the number of freely grazing sheep is between forty-two and 120, their zakah is one ewe." Thus, what lies between twenty-five and thirty-six camels is considered waqs--that is, there is no zakah on them. Likewise, what lies between thirty and forty cattle is considered waqs. This is also applies to sheep.

## Fiqh 3.42: What Should Not Be Included in Zakah

The rights of property owners must be considered when their properties are subjected to zakah. The best items are not to be taken as zakah unless the owners freely permit it. Likewise, the rights of the poor should be considered. A defective animal should not be taken as zakah unless all of the other animals are defective. In such a case, zakah is due on the average of that property. Some proofs for this view are:

1 In the letter of Abu Bakr: "Neither an old or a defective animal nor a billy goat may be taken as zakah."

2 Sufyan ibn 'Abdullah ath-Thaqafi reported: "Umar forbade the zakah collector to levy zakah on the following: barren ewes (al-'akulah), a sheep kept at home for milk (ar-rahy), a pregnant ewe (al-rnakhid), or a ram used for breeding (fahl al-ghanam)."

3 'Abdullah ibn Mu'awiyyah al-Ghadiri reported that the Prophet, upon whom be peace, said: "Whoever performs these three acts will have had (savored) a taste of belief ('irnan): He who worships Allah alone, and [believes] that there is no god but Him; he who good-heartedly offers the zakah on his property which will repay him every year; and he who does not offer a very old sheep, a mangy sheep, a sick sheep, a mean and low sheep, or a ewe which produces only a small amount of milk. You should offer one from the average. Verily, Allah asks you to offer neither the best nor the worst." It was related by Abu Dawud and at-Tabarani with a good transmission.

## Fiqh 3.42 a: Zakah on Animals Other Than Cattle (al-An'am)

Zakah is not applicable to animals other than cattle. Thus, there is no zakah on horses, mules, or donkeys unless they are used for the purpose of trade. On the authority of 'Ali, it is related that the Prophet, upon whom be peace, said: "I have exempted you from paying sadaqah on horses." It was narrated by Ahmad and Abu Dawud with a good chain. On the authority of Abu Hurairah, it is related that the Messenger, upon whom be peace, was asked if there is zakah on donkeys. He replied: "Nothing was ever mentioned [in revelation] except in the following excellent Qur'anic verse: 'And whosoever does evil equal to an atom's weight will see it' [azZalzalah 7-8]." It was narrated by Ahmad and its details have already been mentioned.

Harithah ibn Madrab reported that he performed pilgrimage (hajj) with Caliph 'Umar, and the notables of Syria came to him and said: "O Commander of the Faithful, we have acquired some animals, so take from our property a sadaqah that purifies us." He answered them: "My two predecessors [the Prophet, upon whom be peace, and Caliph Abu Bakr] did not do this before. But wait and let me ask the Muslims about this." This was narrated by alHaythami, who said that it was narrated by Ahmad and atTabarani in the book entitled al-Kabir. The narrators of this hadith are considered trustworthy.

Az-Zuhri reported from Salman ibn Yassar that the people of Syria said to Abu 'Ubaidah ibn al-Jarrah: "Take from our horses . . . a sadaqah." He refused. Then he wrote to 'Umar, who also refused. They spoke to him again, and he wrote to 'Umar once again. 'Umar wrote back: "If they desire that, take it from them and give it back to them [their poor] and to their slaves." This was narrated by Malik and al-Baihaqi.

## Fiqh 3.43: Young Camels, Calves, and Lambs

When a person has a nisab of camels, cattle, and lambs, and they give birth during the same year, zakah is due on both the original number and their offsprings at the end of the year. Their zakah is considered a lump-sum zakah according to the majority of scholars. On the authority of Malik and ash-Shaf'i, from Sufyan ibn 'Abdullah ath-Thaqafi, it is related that 'Umar ibn al-Khattab said: "The new-born sheep (as-sakhlah) carried by the shepherd are not to be taken as zakah. Likewise, a barren sheep (al-'akulah), a ewe kept for milk (ar-raby), a pregnant ewe (al-makhid) and a ram used for breeding (fahl al-ghanam) are not to be taken as zakah. Take as zakah the jazh'ah and the thaniyyah. Zakah is levied on the average quality of the property."

Abu Hanifah, ash-Shaf'i, and Abu Thaur are of the opinion that the young offspring are not to be calculated in the zakah payment unless the mature animals make a nisab. Also, Abu Hanifah stated that the young sheep can be added to fulfill a nisab whether they are born from the same livestock or not. They will be subject to zakah at the end of the year. Ash-Shaf'i lays down the condition that young animals have to be born prior to the completion of the nisab. There is no zakah on young animals according to Abu Hanifah, Muhammad, Dawud, ash-Shu'abi, and Ahmad.

Ahmad, Abu Dawud, an-Nasa'i, ad-Daraqutni and al-Baihaqi, relate that Suwaid ibn Ghaflah said: "The zakah collector of the Messenger of Allah, upon whom be peace, came to us and I heard him say: 'In my term of office, a suckling animal was not subject to zakah . . .' " In its chain of narrators is Hilal ibn Hubab, whom several have declared trustworthy, but some did not. It was authenticated by more than one person but was a point of contention to others.

According to the opinion of Malik and a report from Ahmad, young animals as well as mature ones are subject to zakah, because if the former could be considered with others (for purposes of zakah), then they could also be considered on their own. Ash-Shaf'i and Abu Yusuf hold that at least one young (animal) is obligatory (as zakah) from the young animals.

## Fiqh 3.44: On Combining Young and Old (Animals) or Separating Them

1 Suwaid ibn Ghaflah said: "The zakah collector of the Messenger of Allah, upon whom be peace, came to us and I heard him say: 'We do not collect zakah on suckling animals, nor do we separate between them [young and old], nor combine them together.' A man came with a great humped camel (kawma), but he did not accept it as zakah." It was reported by Ahmad, Abu Dawud and anNasa'i.

2 Anas reported that Abu Bakr wrote to him: "These are the sadaqah stipulations which the Messenger of Allah, upon whom be peace, made obligatory to the Muslims. [And of it] do not combine. There is no need to gather [young and old] animals nor to separate them to obtain the correct sadaqah amount. What happens to a mixture of young and old? When zakah is assessed on two associates, then they have to figure it out equally among them." AlBukhari relates this.

Malik, in alMuwatta', says: "There are, for example, three partners, each having forty sheep on which zakah is payable. If they add their sheep together, their zakah will be only one sheep. Or, another example: two partners have 201 sheep. Their zakah will be three sheep. If they divide the flock among them, their zakah will be one sheep each."

Ash-Shaf'i holds that this statement is addressed to both the owner and the zakah collector. Each is ordered not to add or separate his possessions to obtain a lower or higher sadaqah. Since the owner would naturally prefer a low sadaqah on his property, he would combine or separate his possessions accordingly. The same would also be true of the zakah collector, who might like to collect as much sadaqah as possible. By using the phrase khashyat assadaqah (for fear of sadagah), the Prophet meant that it may become more or less since both altematives were possible. This shows that he did not prefer one choice over the other. Therefore, he made both altematives possible. According to the Hanafiyyah: "This is, in a sense, a prohibition on the zakah collector's separating the property of a person so that his sadaqah is not increased. For example: a man possesses 120 sheep. If they are divided into three lots of forty each, the zakah would amount to three sheep. Another example: if they

combine the property of one man with the property of another, the sadaqah would increase. Thus, if a person owns 101 sheep and another owns an equal number, then the zakah collector, if he combines the two lots, would secure three sheep as payment toward zakah, while the actual amount due is only two sheep."

## Fiqh 3.45: Does Combining (Animals) Have any Effect?

The Hanafiyyah hold that as far as the determination of zakah is concemed, combining (animals) has no effect. Whether such a combination is between partners or has ensued because of contiguity does not matter. There will be no zakah on the joint ownership of partners unless each of them attains a nisab. The consensus is that zakah has to be detemlined on the basis of sole ownership.

The Malikiyyah maintain that ownership of cattle is considered as one for the purpose of zakah. The combination becomes valid only for zakah when the co-owners in their own right possess a nisab. In addition to this, they should have a common herdsman, a common breed, a common pen, and the expressed intention of having joint ownership. If the herd of one of them is distinguished from the other, they will be considered two separate entities. In that case, each individual becomes liable for zakah. The combination affects livestock. What is taken as zakah from the herd will be distributed among the partners in accordance with each one's share. If the property of one of the associates is separate, then all of it is considered combined.

According to the Shaf'iyyah, every share of the combination affects the zakah and the zakah on two or more associates' separate properties becomes due. This may affect the amount of zakah due; for example, if two men, each possessing twenty sheep, combine their sheep, the zakah due is one, but if they do not combine them, then there is no zakah on either one. On the other hand, a combination of 101 sheep with the same number results in a zakah of one and one-half sheep. However, if the flocks of sheep are considered separately, then the zakah due on each lot is only one sheep. As for the case of three associates, each of them having forty sheep, if they combine them, the zakah due is one sheep--that is, the zakah due for each partner is one-third of a sheep. However, if treated separately, each should pay one sheep. In addition to this, the Shaf'iyyah moreover stipulate the following:

1 The partners should qualify financially to pay zakah.

2 The combined property must attain a nisab.

3 Its zakah is due at the end of the year.

4 None of the properties is singled out from the others as regards resting pen, grazing area, watering, herdsmen, and milking sheds.

5 Flocks of the same kind are bred by the same ram.

Ahmad agrees with the Shaf'iyyah, except that he limited the effect of combination to cattle and does not take into consideration any other properties.

## Fiqh 3.47: Zakah on Buried Treasure and Precious Minerals

The term rikaz is etymologically derived from rakaza, the perfect tense of the verb yarkuzu (the imperfect root). It means 'to be hidden.' Allah, the Exalted One, says: "Or hear from them the slightest sound" [Maryam 98]--that is, rikz means a slight sound.

In the present context, this refers to what was buried at the time of jahiliyyah (the pre-Islamic period). Malik and many other scholars are of the opinion that rikaz means objects buried before the Arabs embraced Islam and which were dug up without any expensive effort or money. If these conditions cannot be met, then it is not considered rikaz. Abu Hanifah holds that it is a name of an entity hidden

either by the Creator or by the created one (man).

## Fiqh 3.47 a: The Meaning of Minerals and Their Conditions for Zakah

The term ma'din (minerals) is derived from the verb 'adana (to reside), as in the phrase "'adana fi almakan," which means 'someone resided in some place.' Allah, the Exalted One, says: "Allah has promised to the believing men and believing women gardens of Eden" [at-Taubah 72] since it is an abode for eternity.

Scholars differ about minerals (ma'din) which are subject to zakah. Ahmad holds that everything dug from the ground, whether created in it or buried by man, and which has a value (such as gold, silver, iron, copper, lead, sapphires, chrysolite, emeralds, turquoise, crystal, agate, kohl (antimony sulfide), arsenic, tar, petroleum, sulphur, zaj) are subject to zakah. He, however, made it a condition that the extracted mineral should attain a nisab either by itself or by its value. Abu Hanifah is of the opinion that zakah is payable on any mineral that can receive an imprint or melt by fire, such as gold, silver, iron, or copper. As for liquids such as tar, or a solid mineral which cannot be melted by fire such as rubies, there is no zakah on them. In the former case, the admissibility of nisab is not a prior condition. Whether large or small in amount, a fifth will be taken as zakah.

Malik and ash-Shaf'i hold that both gold and silver qualify for zakah. Like Ahmad, they insist that the gold should weigh at least twenty mithqal (a weight equal to 4.68 g.) and the silver at least 200 dirhams. They agree (with the Hanafiyyah) that these metals do not require completion of a year to be subjected to zakah, which becomes due anytime it is available. According to the preceding scholars, the amount should be one-fortieth, and its distribution should be like that of the regular zakah. For Abu Hanifah, its distribution is similar to booty (fay').

## Fiqh 3.48: The Legitimacy of Zakah on Rikaz and Ma'din

That zakah of rikaz and ma'din is obligatory is shown by a statement attributed to Abu Hurairah: "The Prophet, upon whom be peace, said: 'There is no compensation for one killed or wounded by an animal, falling in a well, or because of working in mines; but, one-fifth (khums) is compulsory on rikaz.' " Ibn al-Munzhir confesses that he does not know anyone who contradicted this hadith except al-Hasan, who differentiates between what exists in the land of war and the Islamic land. The latter holds that if rikaz is found in the land of war, one-fifth (khums) is due, but if it is found in the Islamic land, it will be subject to the regular zakah.

Explaining it, Ibn al-Qayyim says that there are two interpretations of this statement:

The first interpretation is that whenever someone hires someone else to dig a mine for him and then he falls into it and is killed, there is no compensation for him. This view is supported by the Prophet's saying: "There is no compensation for one who falls into a well or who is killed by an animal--(al-bi'r jubar, wa al-'ajma' jubar)."

The second interpretation is that there is no zakah on minerals. This view is supported by the Prophet's saying: "... but one-fifth is compuslory on treasure--(wa fi az-zakah al-khums)." Thus, he differentiated between mineral (ma'din) and treasure (rikaz). He made zakah on rikaz compulsory because it is a wealth obtained without any cost or effort. He exempted minerals (ma'din) from zakah because they require both cost and effort for their mining.

## Fiqh 3.49: Rikaz Upon Which Zakah is Paid

The rikaz are all those substances upon which one-fifth (khums) is payable, such as gold, silver, iron, lead, brass, and the like. This is the opinion of the Hanafiyyah, the Hanbaliyyah, Ishaq, and Ibn al-Munzhir. A report from Malik and one of the two opinions of ash-Shaf'i also corroborate it. Ash-Shaf'i also holds that only gold and silver are subject to khums.

## Fiqh 3.49 a: The Location of Rikaz

Rikaz might be found in the following places:

1 In a barren land, a land of unknown ownership, or in an intractible road, or ruined village. In that case, khums has to be paid, and the one who found it may keep the other four-fifths for himself. This is based on a report from an-Nasa'i on the authority of 'Amr ibn Shu'aib from his father and from his grandfather, who said that when the Messenger of Allah, upon whom be peace, was asked about a lucky find (al-luqatah), he responded: "For anything along a tractable road or in an inhabited village, its ownership is determined by established custom. If the owner claims it, it is his. However, when an item is found in an intractable road or in an uninhabited village, then on it and the rest of the find, one-fifth (khums) is payable."

2 If the rikaz is found by someone in a land transferred to him, then it is his, as it is lodged in the land. Nevertheless, his ownership does not come from his possession of the land--it comes from the fact that it became known to him. Analogically, this kind of find falls into the category of grass, firewood, and game which are found on land which is not his. He can claim it if the one who transferred the land does not ask for it. In that case, it will be his because the land originally belonged to him. This is the view of Abu Yusuf, and the Hanbaliyyah uphold it as sound. Ash-Shaf'i says it belongs to the owner who transferred the land (if he claims it) before him, and so on until it is claimed by the first original owner.

Whenever land is transferred through inheritance, it is considered an inheritance by itself. If, however, the inhabitants agree that it did not belong to the one from whom they inherited it, then it belongs to the original owner. If he is unknown, then it is considered the lost property of an unknown owner. Abu Hanifah and Muhammad say that it belongs to the original owner of the land or to his inheritors if they are known; if they are not, it is to be placed in the public treasury.

3 If it is found in the land of a Muslim or a free non-Muslim subject (zhimmi), then it belongs to the owner of the land, according to Abu Hanifah, Muhammad, and Ahmad. It is also reported from Ahmad that it belongs to the one who found it (rikaz). Al-Hasan ibn Salih, Abu Thaur, and Abu Yusuf also preferred this opinion. This view is based on the belief that rikaz is not necessarily owned by the owner of the land, except when it is claimed by the owner. In such a case, his word will be the final one because he has the right over the land. If he does not claim it, it belongs to the one who finds it. AshShaf'i holds that it belongs to the one who claims it. Otherwise, it belongs to the original owner.

## Fiqh 3.50: The Amount Payable on Rikaz

The amount payable on rikdz is one-fifth, regardless of a nisab, according to Abu Hanifah, Ahmad, and one of the two correct reports of Malik and ash-Shaf'i. As for the completion of a year (haws), all scholars agree that it has not been stipulated as a conditon.

## Fiqh 3.50 a: Who Must Pay the Khums (One-Fifth)

Most scholars are of the opinion that khums is due on anyone who finds a treasure, whether he happens to be a Muslim, a free non-Muslim subject (zhimmi), old, young, sane, or insane. However, the guardians of the young and insane must pay it on their behalf. Ibn al-Munzhir comments that all learned persons agree that a zhimmi who finds rikaz has to pay its khums. This is also the opinion of Malik, the scholars of Madinah, ath-Thauri, al-Auza'i, the scholars of Iraq, those who use analogy (ashab ar-ra'y), and others. Ash-Shaf'i stated that khums is only due upon those who must pay zakah.

## Fiqh 3.51: Distribution of Khums

According to ash-Shaf'i, the distribution of khums is similar to the distribution of zakah. Ahmad and al-Baihaqi narrate from Bishr al-Khath'ami that a man from his tribe said: "While I was in Kufah, I received a jar from an old monastery at the zakah district (jibayah) of Bishr. There were 4,000 dirhams in it. I took it to 'Ali, who told me to divide it into five parts, which I did. Then, 'Ali took one-fifth and

gave me four-fifths. When I departed, he called me and asked if there were some needy people living near me. I replied that there were, and he asked me to divide the one-fifth among them." Abu Hanifah, Malik, and Ahmad are of the opinion that its distribution is similar to the distribution of booty (fay').

Ash-Shu'bi narrates that a man, while he was out of Madinah, found 1,000 dinars in the ground. He brought them to 'Umar ibn alKhattab, who took the khums of 200 dinars and gave the man the rest. 'Umar started to distribute the 200 dinars among the Muslims who were present. Since a little bit was left over, he then asked: "Where is the owner of the dinars?" When the man responded, 'Umar said to him: "Take these dinars, for they are yours." In alMughni, it says that if it were like zakah, he would have alloted it to those who deserved it and would not have returned it to its finder. Furthermore, rikaz can be given to the zhimmi, whereas zakah is not.

### Fiqh 3.53: Zakah on Wealth Extracted from the Sea

Most scholars stipulate that zakah is not payable on anything extracted from the sea, such as pearls, corals, chrysalite, cachalot's ambergris, fish, and so on. There is, however, a report from Ahmad that if the amount extracted reaches a nisab, then zakah is due on it. Abu Yusuf agrees with him in the case of pearls and cachalot's ambergris. Ibn 'Abbas holds that there is no zakah of cachalot, beacause it is an object thrown out by the sea. Jabir said that there is no zakah on cachalot, but that it is a free spoil for anyone who finds it.

### Fiqh 3.53 a: Acquiring Property Through Profit or Increase

When a person acquires property and it stays in his possession for a year and constitutes a nisab, and he has no other property or he has similar property which has not reached a nisab except when the acquired property has been added to it, then the year hawl of zakah becomes applicable to it from the time of its acquisition. The zakah will be payable at the completion of the hawl. In such a case, the acquired property may be classified in any of the following categories:

1 The acquired holdings increase in value either by profits from trade or by an increase in animal production. These kinds of holdings qualify themselves for the application of the hawl and zakah. For the individual whose merchandise or animals constitute a nisab and whose business also makes a profit or whose animals reproduce during the course of the hawl, he should count the original and additional property as one for the purpose of zakah. There is no dispute about this among scholars.

2 As for the acquired property which falls under the same category as the attained nisab but is not derived or generated from it--that is, it was acquired through purchase, gift, or inheritance-- Abu Hanifah holds that this may be combined with the nisab in order to become a part of it with regard to the hawl and payment of zakah. Thus, the principal property and the profits are collectively taxable.

Ash-Shaf'i and Ahmad suggest that newly acquired property be combined with the original one for the purpose of attaining a nisab and that a new hawl has to be assumed for it--whether the original consists of cash or animals. For example, if someone has 200 dirhams and manages to acquire another 200 dirhams during the year, he should pay zakah on both at the completion of the hawl which will begin to roll at the acquisition of new property. Malik's opinion is like that of Abu Hanifah's concerning animals but like Ahmad's in regard to gold and silver.

3 The acquired holdings are not of the same kind that one already possesses. As such, they cannot be combined with the original either for the nisab or for the year count (hawl). If, however, the acquired holdings by themselves reach a nisab, their year count will be calculated independently, and the owner will pay their zakah at the completion of the hawl. In the absence of these conditions, nothing is applicable to these holdings. This is the opinion of the majority of scholars.

### Fiqh 3.54: Zakah ie the Responsibility of the Owner, Not the Holdings Themselves

The Hanafiyyah, the Malikiyyah, and a report from ash-Shaf'i and Ahmad propose that it is the property

which owes zakah. The second opinion attributed to ash-Shaf'i and Ahmad is that zakah is the responsibility of the owner, not the property. The difference between the two opinions is obvious:

For example, someone had 200 dirhams and did not pay zakah on the sum for two years. The opinion which says that zakah is due on the property itself means that the amount due is for one year only since it decreased by five dirhams, which was the amount due for zakah at the end of the first year. The second opinion, that zakah is the responsibility of the owner, means that he should pay zakah twice, one for each year, as zakah is the responsibility of the owner and is not affected by the decrease of the nisab.

Ibn Hazm favors the view that it is the owner's responsibility. There has been no difference of opinion, he says, among the Muslims since the time of the Prophet, upon whom be peace, down to his time as to the applicability of zakah on wheat, barley, dates, silver, gold, camels, cattle, and sheep. Concerning payment of zakah from a different lot of wheat, barley, dates, gold, silver, camels, cattle, and sheep, he says it does not matter whether one pays it from the same lot, from a different one in one's possession, or from a lot that may be bought, granted as a gift, or borrowed.

The conviction that the payment of zakah is the owner's responsibility and is not necessarily that of the property itself is a sound principle, for if it becomes due on the property itself, the owner will not be permitted to make payment from a different lot. It is similar to the case of one partner being prevented from giving his money to his copartner from a source other than the one involved in their partnership--unless the partners approve of it and it does not violate the conditions of the transaction between them. Furthermore, if zakah has to be applied to the property itself, only two situations can arise. First, zakah is payable on all parts of that property and is applicable to any individual amount of it, without individual specification. Second, if it is applicable to every part of it, it is impermissible to sell from any herd or grain since zakah collectors in this case would become partners. Thus, the proprietor is not allowed to take anything from it. This is void without any dispute. Furthermore, it would become obligatory upon him to specify exactly the price of the sheep which he desires to take out, just as is done in partnerships. If zakah is due on any part of it other than the property itself, it becomes void. This holds true in such a case since he does not know what he might sell or whether he is taking what is due for the sadaqah collectors. This, in turn, backs up the above.

## Fiqh 3.55: Loss of the Holdings after Zakah is Due

Once zakah becomes payable on the holdings either because of the completion of a year or harvest time, and the holdings or part of them are lost, the owner still has to pay it. Whether the loss occured owing to negligence or not does not matter.

This is the opinion of Ibn Hazm and the better opinion of the Hanbaliyyah. Abu Hanifah holds that it vitiates the payment of zakah if all the property perishes without the owner's role in its destruction. When part of it perishes, the perished portion is not subject to zakah. This is in accordance with the rule that zakah is associated with the property itself. However, when the property is deliberately destroyed by the owner, zakah has to be paid. Ash-Shaf'i, alHassan ibn Salih, Ishaq, Abu Thaur, and Ibn al-Munzhir hold that if the nisab perishes before zakah is paid, then the owner owes nothing. However, if it perishes subsequent to the accumulation of the nisab, the owner has to pay it. Ibn Qudamah supports this view and says it vitiates the payment of zakah if the property perishes without any negligence on the part of the owner. This is because it is obligatory for the sake of beneficence, which presupposes the existence of the property--and not with the purpose of impoverishing the payers of zakah.

Negligence in this context implies that the owner had accumulated the nisab and thus it was possible for him to pay zakah, but he did not and the property perished. On the contrary, if he did not have the nisab, or the holdings were not in his possession, or they were to be purchased and he could not, then this does not constitute an act of negligence.

Likewise, if it is presumed that the obligation to pay zakah remains even after the holdings are lost, and the owner has the means to pay it, then he must do so. Otherwise, he should be granted a respite in

order to fulfill his obligation to pay zakah. This is akin to a debt one owes to someone but the debt owed to Allah should be considered more important.

### Fiqh 3.56: The Loss of Zakah After it is Set Aside

When a person sets aside zakah for distribution among the poor and all of it or some of it is lost, he must repay it because it is still his responsibility.

Ibn Hazm says: "We received a narration from Ibn Abi Shaibah on the authority of Hafs ibn Ghayath, Jarir, al-Mu'tamir ibn Sulaiman at-Taymi, Zaid ibn al-Hubab, and 'Abdulwahhab ibn 'Ata; also from Hafs, who narrated on the authority of Hisham ibn Hassan from al-Hassan al-Basri; Jarir who reported, on the authority of alMughirah from his companions; and al-Mu'tamir who reported from Mu'amar from Hammad; and Zaid who reported from Shu'bah from al-Hakam; and 'Abdulwahhab who reported on the authority of Ibn Abi 'Urubah from Hammad from Ibrahim an-Nakha'i that whoever sets aside zakah from his property and then it is lost, his obligation to pay zakah still remains to be discharged, and he must set it aside again."

There exists, however, another opinion on it: "We received a narration on the authority of 'Ata' that the obligation will be discharged [if set aside and lost]," says Ibn Hazm.

### Fiqh 3.57: Delaying of Zakah (Payment) Does Not Void it

Ash-Shaf'i holds that anyone who does not pay zakah for a number of years must pay it all together. Whether or not he is aware of its obligation or he happens to be in a Muslim or non-Muslim land, makes no difference. Based on the opinion of Malik, ash-Shaf'i and Abu Thaur, Ibn al-Munzhir says: "When unjust people rule a country and the people of that country do not pay their zakah for a number of years, then their new leader should take it from them."

### Fiqh 3.57 a: The Payment of the Value Instead of Paying the Item Itself

It is not permissible to pay the value instead of the item itself, except in the case of non-existence, for zakah is an act of worship which can only be fulfilled according to the specified manner, with the rich sharing their wealth with the poor

Mu'azh reported that the Prophet, upon whom be peace, sent him to Yemen and told him: "Take grain from grain, sheep from sheep, camels from camels, and cows from cows." This hadith is narrated by Abu Dawud, Ibn Majah, al-Baihaqi, and al-Hakim. It should be noted that there is an interruption in the chain of this hadith, since 'Ata' did not hear it from Mu'azh.

Disapproving of substitution, ash-Shaukani says: "The truth of the matter is that zakah is obligatory on the item itself and should not be substituted for its value except where there is a valid excuse."

Abu Hanifah permits the acceptance of the value whether the individual owing could pay it in the items itself or not because zakah is the right of the poor, and he believed that it made no difference whether it was paid in the item or in something else of equal value. AlBukhari reports, with a firm statement, that Mu'azh asked the people of Yemen to give him either goods or clothes of silk or garments as zakah instead of barley and corn because it was more convenient for them. The companions of the Prophet, upon whom be peace, were also given the choice in Madinah.

### Fiqh 3.58: Zakah on Shared Property

When holdings are shared between two or more partners, zakah is not obligatory on either one until all of them attain a nisab individually. This is the opinion of most scholars. This does not include the combination of animals, which has been discussed earlier.

## Fiqh 3.58 a: Evading the Payment of Zakah

The opinion of Malik, al-Auza'i, Ishaq, Ahmad, and Abu 'Ubaid is that whoever possesses a nisab of any kind of property and then sells it before the completion of the year hawl, or gives it away as a gift, or damages part of it with the intention of avoiding its zakah, he still must pay its zakah. If he engages himself in any of the preceding acts at a time when his obligation to pay zakah is about to mature, he will be forced to pay it. If, however, any of the preceding acts happen at the beginning of the hawl, this will not constitute an evasion, and he will be (legally) free from his obligation to pay zakah.

Abu Hanifah and ash-Shaf'i hold that since the amount decreased before the end of the hawl, zakah will not be paid on it. He would still be considered a wrongdoer and disobedient to Allah for attempting to escape it. The early Muslims based their rationale on the 'ayahs in which Allah, the Exalted One, says: "Lo! We have tried them as We tried the owners of the garden when they vowed they would pluck its fruit the next morning, and made no reservation [for the will of Allah]. Then a visitation from your Lord came upon it while they were asleep. So the garden became a dark and desolate spot in the morning, as if it were plucked" [alMulk 17-20]. Allah punished those people for avoiding their obligation to the poor.

Zakah, as such, will still be due and the person has to pay it because his intention was to deprive the poor of their share in his wealth. This would be similar to the case of a man who divorces his wife during his terminal illness. His evil intention calls for punishment as a redemptive act. Another case of a similar nature would be that of a person who kills his benefactor so that he could have his inheritance. In that case, Allah punishes him by depriving him of his inheritance.

## Fiqh 3.59: The Recipients of Zakah

There are eight categories of the beneficiaries of zakah which Allah specifies in the Qur'an: "The alms are only for the poor and the needy, for those who collect them, for those whose hearts are to be reconciled, for the freedom of those who are captives and in debt, for the cause of Allah, and for the wayfarers; [it is] a duty imposed by Allah. Allah is the Knower, the Wise" [at-Taubah 60]. Ziyad ibn alHarith as-Suda'i reported: "I came to the Messenger of Allah, upon whom be peace, and pledged allegience to him. Then a man came and said to the Messenger: 'Give me some of the collected sadaqah.' The Messenger replied: 'Allah did not leave the matter of sadaqat to be decided by a prophet nor to others ... He Himself classified it into eight categories. If you fit into any of these categories, I will give you your due.' " It was narrated by Abu Dawud although in its chain of transmission there is 'Abdurrahman al-'Afriqi, who is of questionable merits.

The following is an elaboration upon the preceding eight categories:

1 The Poor (al-Fuqara').

2 The Needy (al-Masakin): The needy, along with the poor mentioned above, are those who do not even have basic needs fulfilled. This categroy parallels the category of the rich who have all they need. As mentioned elsewhere, a person is considered rich if he possesses the nisab--that is, an arnount in excess of his essential needs or those of his children with regard to food, drink, clothing, housing, animals, tools of his trade, and similar other necessities. Thus, one who lacks all these is considered poor (fuqura') and qualifies for zakah.

A hadith attributed to Mu'azh instructs: "Take from the rich [that is those who are self-sufficient] and give to their poor." Thus, zakah should be taken from the rich who own a nisab and given to those who are not so fortunate.

No difference has been made here between the poor (fuqura') and the needy (nasakin) as far as their needs, their poverty, and their qualification for receiving zakah are concerned. The two are brought together in the preceding Qur'anic 'ayah with the necessary conjunction so that they could be differentiated from each other. This does not contradict our categorizing the masakin as a subgroup of

the fuqura'. In the following hadith, the text indicates that the needy are the poor who are not noticed by the people because they abstain from begging. The Qur'an takes note of them because they, perhaps due to their modesty, go unnoticed.

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said: "The needy person (miskin) is not one who goes around asking the people for a date or two, or for a mouthful or two, but the one who is too embarrassed to ask. Read if you wish: 'They do not beg from men importunately' [alBaqarah 273]." In a variant of this report, it is related: "The needy person is not one who goes around asking people for a mouthful or two or a date or two, but the one who has not enough [money] to satisfy his needs and whose condition is not known to others. Thus, sadaqah is given to him and he does not beg from the people." This is narrated by al-Bukhari and Muslim.

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## Fiqh 3.60: The amount of zakah given to a poor person

Zakah aims at supporting the poor by satisfying their needs. A specified amount is therefore given to them on a continuous basis to alleviate their state of poverty. This amount differs depending on circumstances and individuals. 'Umar reported: "If you happen to give [alms], you should give to satisfy one's needs." Qadi 'Abdulwahhab says that Malik never stipulated a limit to the amount that can be given. To him, zakah may even be given to one who has a house, a servant, and a mount to ride, provided he is in need. The import of the preceding hadith is clear-- that is, asking for help is permissible for a person who is poor until he gets what he needs for his livelihood and is freed from his needs.

Qabisah ibn Mukhariq al-Hilali reported: "I had a debt. I went to the Messenger of Allah, upon whom be peace, and asked for his help. He answered: 'Wait until we have funds for sadaqah, then we will give you some.' He also said: 'O Qabisah, sadaqah is justified only for the following three: first, a man who is in debt, for his case makes it permissible to receive [alms] until his difficulty is resolved; second, a man who is struck by calamity which destroys his holdings, which also makes it permissible for him to receive [alms] until he is in a position to earn a sustenance [or he said, '... what satisfies his needs and makes him self-sufficient']; and third, a man who has been reduced to poverty and three persons of caliber from among his people testify to his desperate situation will receive until he finds for himself a means of support [or he said, '... what satisfies his needs and makes him selfsufficient']. Other than these cases, O Qabisah, it is not permissible (sahat). A person receiving it (sadaqah) will be consuming forbidden holdings.' " This is narrated by Ahmad, Muslim, Abu Dawud, and anNasa'i.

## Fiqh 3.61: Is zahah given to a person who can work?:

Individuals strong in body and earning their living are not entitled to zakah. Their position is similar to that of the rich.

1 'Ubaidullah ibn 'Adiyy al-Khiyar reported: "Two men told me that they went to the Prophet, upon whom be peace, during the Farewell Pilgrimage while he was distributing charity. They asked him for help. He gave them a look from the head down and then found them to be sturdy and strong. Then he said: 'If you desire, I shall give it to you. But, there is no zakah for one who is rich, neither for the one who is strong and earning.' " This is related by Abu Dawud and anNasa'i.

Concerning the merits of this hadith, al-Khattabi says that it provides the criterion that if a person is not known to have means, it will be presumed that he has none. The hadith also provides the rule that one who appears to be sturdy is not excluded from receiving the zakah unless his income is determined, for there are some people who are strong in body but for one reason or another are unable to work. Such people may receive charity according to this hadith.

2 It is related from Rayhan ibn Yazid from 'Abdullah ibn 'Amr that the Prophet, upon whom be peace, said: "Sadaqah is neither permissible for the rich nor for the one who is of energetic disposition, sound body, and healthy limbs." This is related by Abu Dawud and atTirmizhi. The latter grades it as sound (sahih). Ash-Shaf'i, Ishaq, Abu 'Ubaid, and Ahmad uphold it. The Hanafiyyah say a strong and healthy person is allowed to take sadaqah, provided he does not possess 200 dirhams or more. An-Nawawi says: "I asked al-Ghazzali if an able-bodied person who comes from a rich family and is not used to physical labor in earning his living can be entitled to zakah. He answered that he could." This is a sound rule which takes into consideration a person's vocation.

For example, someone had 200 dirhams and did not pay zakah on the sum for two years. The opinion which says that zakah is due on the property itself means that the amount due is for one year only since it decreased by five dirhams, which was the amount due for zakah at the end of the first year. The second opinion, that zakah is the responsibility of the owner, means that he should pay zakah twice, one for each year, as zakah is the responsibility of the owner and is not affected by the decrease of the nisab.

### Fiqh 3.62: The owner who lacks self-sufficiency

One whose possessions reach a nisab but are still insufficient for his needs, due to the size of his family or the high cost of living, will be considered well-off and subject to zakah. He is also considered poor because his possessions are not enough for his needs. As such, he should also be given zakah. AnNawawi says that one who possesses a piece of real estate but does not have enough income to meet his needs should be considered poor and eligible for that amount of zakah which would satisfy his needs. In this way, he would not have to sell his real estate. Al-Mughni mentions that al-Maymum said: "I had a talk with Abu 'Abdullah, Ahmad ibn Hanbal and I said: 'A man may possess camels and sheep on which zakah is due and be considered poor. He may possess forty sheep or even a landed estate (day'ah), not enough for his needs. Would he be allowed to receive alms?' He answered: 'Yes, because he does not possess what is sufficient for him and he is not able to earn what he needs. In that case, he is permitted to receive zakah, if what he possesses does not qualify for zakah.' "

### Fiqh 3.62 a: Collectors of Zakah:

Zakah collectors are officials appointed by the leader or his deputy to collect it from the rich. Among them are the custodians of zakah, shepherds and clerks for its administration. They must be Muslims and should consist of those who are potentially not eligible for zakah. This includes the family of the Prophet--that is, Banu 'Abdul Mutallib. It is related by al-Muttalib ibn Rabi'ah ibn Harith ibn 'Abdul Muttalib that he and al-Fadl ibn al-'Abbas went to the Messenger of Allah, upon whom be peace: "One of us said: 'O Messenger of Allah! We have come to you so that you may invest us with authority to administer zakah, that we shall gather (collect) the benefits the people are to receive, and render service to you that others give.' The Messenger of Allah answered: 'Indeed, zakah ought not to be given to Muhammad or to the family of Muhammad. Zakah is nothing but filth that comes out from people's properties.'" This is reported by Ahmad and Muslim. Another version states: "It is not permitted to Muhammad or to the family of Muhammad."

### Fiqh 3.62 b: Certain people, though well-off, can still receive zakah:

Abu Sa'id reported that the Prophet, upon whom be peace, said: "Sadaqah is not allowed for the well-off except for the following five: an administrator of zakah, a purchaser of zakah holdings, a debtor, a warrior in the cause of Allah, or a person who is given a present by the needy (miskeen) from what the latter had been granted as zakah." This is related by Ahmad, Abu Dawud, Ibn Majah, and al-Hakim. The latter grades the preceding hadith as sound according to the criteria of Muslim and al-Bukhari.

### Fiqh 3.63: What zakah collectors take from zakah is their wages for work done:

Abdullah ibn as-Sa'di related that he came from Syria to see 'Umar ibn al-Khattab, who asked him: "Is it true that you perform a certain job for the Muslims and you are given wages for that, but you do not accept them?" He answered: "Yes, indeed. I possess horses and slaves. I am well-off. I want my work to be a charity for the Muslims." Then 'Umar said: "I also wanted what you desired, but the Prophet, upon whom be peace, used to pay compensation to me. I would say to him: 'Give it to one who is poorer than I.' Once he gave me money and I said to him: 'Give it to a person more needy than I.' Then the Prophet, upon whom be peace, said: 'Take what Allah, to Whom belongs might and majesty, gives you of His bounties without your having asked for it or being eager.' So take it and keep it, or give it away as charity--and what is not given should not be asked for." This is related by al-Bukhari and an-Nasa'i.

### Fiqh 3.63 a: The wages ought to be sufficient to cover legitimate needs:

AlMustawrid ibn Shaddad relates that the Prophet, upon whom be peace, said: "If someone performed a job for us and has no house, let him have a house; if he has no wife, let him have a wife; if he has no servant, let him have a servant; or if he has no mount to ride, let him have one. He who clamors for anything other than these is being excessive." This is related by Ahmad and Abu Dawud and its chain is sound. Commenting on the subject, al-Khattabi says: "This may be interpreted in two different ways. The first means that the individual is permitted to have a servant or a house deducted from his wages,

which are similar to any other wages. He is not permitted to take anything else. The second means that the zakah worker has the right to have lodging and a servant. Thus, if he does not have a house or a servant, one may be hired to serve him and a house may be rented for him during the tenure of his job."

### Fiqh 3.63 b: Reconcilation of hearts:

This applies primarily to that group of people whose hearts, due to their weak Islam, need to be reconciled or strengthened for Islam. In this case, zakah is distributed to rid Muslims of their evil, or to procure their assistance in the defense of Muslims. The jurists divide such people into Muslims and unbelievers. The Muslims are divided into four groups:

### Fiqh 3.64: Leaders

People who are leaders and notables among the Muslims and influential among their nonbelieving kinsmen deserve and if given sadaqah, there is hope that their kinsmen will become Muslims. Such was the case of Abu Bakr giving 'Adiyy ibn Hatim and az-Zibarqan ibn Badr sadaqah because of their high status among their people.

### Fiqh 3.64 a: Recently converted prominent people

Prominent people among Muslims, though recently converted to Islam and as such of weak faith but still obeyed by their people, if given sadaqah and their counsel sought in jihad and other matters could lead them to become strong in their Islam. A case in point is that of the Makkans who became Muslims after the conquest of Makkah. The Prophet, upon whom be peace, gave them a large booty after his victory over the Huwazin. Most of them became very good and conscientious Muslims later on.

### Fiqh 3.64 b: Muslim residents at the borders

Muslims who live at the frontiers, close to enemy land, can also be given sadaqah as an incentive to defend the Islamic territory. The author of al-Manar claims that this falls under the national defense. Jurists place it under the share allocated for the cause of Allah. It is similar to a military expedition. In our times, people who most deserve our help are those Muslims whom the unbelievers have brought over to their side by placing them under their protection or converting such Muslims to their religion. We notice that colonial powers are working for the subjugation of all Muslims and are trying to divert them away from their religion. Such states are allocating a certain portion of their resources to win over the Muslim hearts. Some they have succeeded converting to Christianity, and others have been influenced by or attracted to their tutelage. This is creating problems for Muslim states and Islamic unity. Are not such Muslims more deserving of zakah than those along the frontiers?

### Fiqh 3.64 c: The zakah employees

Muslims who are employed to collect zakah, either through persuasion or force, from those who are not willing to give it can also qualify as its recipients for it is better to use such people to maintain Muslim unity. Their support and their undertaking to help the government is the lesser of two evils and a preferable arrangement.

### Fiqh 3.65: The unbelievers, recipients of zakah

As for the unbelievers, they are of two categories:

1 Those who may come to Islam through the reconciliation of their hearts: Such was the case of Safwan ibn 'Umayyah whom the Prophet, upon whom be peace, granted safety on the day of Makkah's conquest. The Prophet, upon whom be peace, allowed him to think about his situation for four months and then choose for himself. He was absent at the time but came forward later and went with the

Muslims to fight in the battle of Hunayn before his acceptance of Islam. The Prophet, upon whom be peace, borrowed his armory for the expedition of Hunayn, and in return gave him a large number of camels, loaded with goods, that were at a certain valley. Thereupon Safwwan said: "This is a gift from someone who does not fear poverty. By Allah," he continued, "the Prophet, upon whom be peace, has given all of this to me and verily he is the person whom I dislike the most, but he continued to give me things until he became the one I loved the most."

2 People whose evil is feared, and it is hoped that money, if given to them, will neutralize their hostility: Ibn 'Abbas reported: "A group of people used to come to the Prophet, upon whom be peace. If he gave them money, they would praise Islam and say: 'This is a good religion.' However, if he did not give them any money, they criticized and found fault with Islam." Among such people were Abu Sufyan ibn Harb, al-Aqra' ibn Habis, and 'Uyainah ibn Hisn. The Prophet, upon whom be peace, gave every one of them one hundred camels.

The Hanafiyyah say that the share of such people are cancelled when Islam is strong. For instance, 'Uyainah ibn Hisn, al-Aqra' ibn Habis, and al-'Abbas ibn Mirdas came to Abu Bakr and requested their share. He wrote them a letter, which they took to 'Umar. He tore the letter and said: "This is something that the Prophet, upon whom be peace, used to give you to reconcile you to Islam. Now, Allah has fortified Islam and it is no longer in need of you. Unless you stay with Islam, the sword will be between you and us. Say: 'It is the truth from the Lord of you [all]. Then whoever will, let him believe, and whoever will, let him disbelieve' [al Kahf 29]." They returned to Abu Bakr and said: "Are you the Caliph or is 'Umar? You wrote a letter for us and 'Umar tore it up." He answered: "This is the way it is."

The Hanafiyyah continue: "Indeed, Abu Bakr agreed with 'Umar, and none of the companions disapproved of it. Likewise, it was never reported from 'Uthman or 'Ali that they gave anything to anyone in this category."

It can be answered that the case under reference was 'Umar's own judgment. He saw that there would be no benefit in mollifying these people after Islam had become well-established among their people, and no harm would follow if they abandoned Islam. Also, if 'Uthman and 'Ali stopped spending this kind of endowment, this does not necessarily mean that the provision for it was repealed. It is possible that the change of circumstances did not call for the continuation of such an endowment to the nonbelievers. However, this does not amount to the invalidation of the provision for such endowments. Should the contingency call for its revival, the endowments in this category can be given. This is because their sanction lies in the Qur'an and sunnah.

Ahmad and Muslim reported from Anas that whenever the Prophet, upon whom be peace, was asked for anything for the sake of Islam, he would give it away. A man came and asked for sadaqah. The Prophet ordered that the man be given the entire lot of sheep between two mountains. These sheep were part of the sadaqah. The man returned to his people and said: "Oh my people! Accept Islam, for indeed, Muhammad gives in such a way as if he does not fear poverty." Ash-Shaukani says that al-'Itrah, al-Jobbani, al-Balkhi, and Ibn Mubashshir held that sadaqah may be given to those whose hearts are to be reconciled to Islam. On the contrary, ash-Shaf'i maintains that such endowments are not for unbelievers. As for the sinner (faszq), he may be given from such allocations.

Abu Hanifah and his followers hold that this kind of endowment was cancelled with the spread and domination of Islam and, as evidence, they cite Abu Bakr's refusal to restore endowments to Abu Sufyan, 'Uyainah, al-Aqra', and al-'Abbas ibn Mirdas. It appears that reconciliation is permitted when the need for it arises. In other words, it is permitted to give them sadaqah for reconciliation when a people obey a leader only for worldly affairs, and they cannot be controlled except by force and domination. The spread of Islam has no ramification on the issue of reconciliation because it makes no difference in this case. The author of al-Manar testifies: "This is the whole truth. Only independent judgment can be exercised to elaborate on the eligibility and the amount of sadaqah or booty to be given away when they are available, along with other kinds of property [immovable and movable]. It is necessary to seek consultation of capable people (ahl ashShura) as the caliphs did in those matters that required ijtihad. Whether a leader can force them into obedience by coercive action before resorting to the use of the endowment is an unsettled issue. Nevertheless, this cannot be followed as a rule but

rather as the principle of inclining to the lesser of two evils and to the best benefit of the society."

## Fiqh 3.67: Freeing Captives

This category includes two kinds of slaves: contracted slaves (rnukazabun) and regular slaves. Both categories were aided with sadaqah to obtain their freedom. Al-Bara' reported: "A man came to the Prophet, upon whom be peace, and said to him: 'Guide me to a deed that makes me close to Heaven and far from Hell.' The Prophet, upon whom be peace, said: 'Free a person and redeem a slave.' " Then al-Bara' asked: "O Messenger of Allah. Are not the two the same?" He answered: "No. Freeing a person is to grant him freedom [by redeeming him from his bondage], but the redeeming of the neck means buying him his freedom." This is related by Ahmad and ad-Daraqutni and their report is trustworthy.

Abu Hurairah reported that the Prophet, upon whom be peace, said: "Three persons have the right to be helped by Allah: the warrior (ghazi) who fights for Allah, the contracted slave who longs to buy his freedom, and one who wishes to get married for the sake of chastity." This is related by Ahmad and the ashab as-Sunan. At-Tirmizhi grades this report as good and sound.

As to the meaning of free captives (wa fi ar-riqab), ash-Shaukani says that scholars differ over it. 'Ali ibn Abu Talib, Sa'id ibn Jubair, al-Layth, ath-Thauri, al-'Itrah, the Hanafiyyah, the Shaf'iyyah, and the majority of scholars are reported to believe that it refers to contracted slaves (rnukatabdn) whose freedom is secured through payment from zakah. According to Ibn 'Abbas, al-Hasan al-Basri, Malik, Ahrnad ibn Hanbal, Abu Thaur, and Abu 'Ubaid, it means using zakah in the release of any kind of slave. Al-Bukhari and Ibn al-Munzhir are also supportive of this view. Their rationale is that the expression wa fi ar-riqab cannot be confined to the kind of slavery arising from a contract because, if that had been the case, then it would have fallen under the category of those in debt (gharimln), for theirs is an obvious case of debt. As such, freeing a slave from bondage is better than helping a contracted slave. He could be aided or helped, but not freed, for the contracted slave is a slave as long as he owes even one dirham. At the same time, freeing a slave is possible at any time, in contrast to the situation of a contracted slave.

Commenting on the subject, az-Zuhri says that the preceding position entails two possibilities. The Qur'anic 'ayah on the subject alludes to these two possibilities, which have been pointed out by ashShaukani in his Muntaqa al-Akhbar. In the hadith narrated by alBara', evidence suggests that redeeming necks is not the same as freeing them. Nor is the deed of freeing slaves the same as helping contracted ones with money to pay off the contract. Both of these bring the individual closer to Heaven and distance him from Hell.

## Fiqh 3.68: Debtors

People burdened by debts and unable to pay them are of several kinds: those who took upon themselves responsibility to discharge a debt; those who guaranteed debts of others and therefore, upon default, the debts have become their obligation; those who mismanaged their finances, those who borrowed money because they had to; or those who were involved in sinful acts and then repented, and who had to pay a fine for repentance. All of them may take sadaqah to meet their debts.

Anas reported that the Prophet, upon whom be peace, said: "Asking for sadaqah is permissible only for the following three classes [of people]:

1 those who are in abject poverty,

2 those who have severe debts, or

3 those who incurred it in the payment of blood money [on behalf of a relative or friend]." This is related by Ahmad, Abu Dawud, Ibn Majah, and at-Tirmizhi. The latter grades it hasn.

Muslim relates from Abu Sa'id al-Khudri that a man made a bad deal on fruit and then ran into heavy

debt. The Prophet, upon whom be peace, recommended: "Give him sadaqah." Then the people gave him sadaqah. However, he still had some debt left over. Thereupon, the Prophet, upon whom be peace, said to creditors: "Take what you get . . ."

As to the previously stated hadith of Qabisah ibn Mukhariq, in which he says: "I had a debt. I went to the Messenger of Allah, upon whom be peace, and asked him for help. He answered: 'Wait until we have received funds for sadaqah, then we will give some to you.' " The expression hamalah in this hadith, as defined by the scholars, is to assume someone's responsibility as one's own in order to restitute a discord. In pre-Islamic times, whenever strife took place among the Arab tribes and blood was spilled, compensation was called for. In such a case, one of them would volunteer to meet the obligation until the strife had ended. Undoubtedly, this was a noble act for these people. When the Arabs would come to know that one of them had taken upon himself the responsibility (hamalah) of someone's debt, they would hasten to his help in the discharge of his responsibility. If such a person asked for help, it was considered an honorable act and not derogatory to his character. No conditions were stipulated. As for being qualified to obtain zakah in the discharge of such debts, it is not a pre-condition that the person who has assumed the debt on another's behalf should be unable to pay it. In fact, he can still ask for zakah even though he is a man of means.

## Fiqh 3.69: Sadaqah for the Cause of Allah

Fee sabil lillah means for the sake of Allah--that is, making use of knowledge and deeds to attain Allah's pleasure. Most scholars understood this phrase as fighting for the cause of Allah. Part of zakah designated for the cause of Allah is given to volunteer fighters, especially those who are not on the payroll of the state, regardless of their financial status.

The hadith of the Messenger of Allah, stated elsewhere, also confirms it: "Sadaqah is not permitted to the rich except to the following five: the warrior (ghuzi) for the cause of Allah . . . and so on."

As to the pilgrimage (hajj, it does not fall under the zakah designated for the cause of Allah because it is an obligation for one who can afford it. Commenting on the issue, the authors of al-Manar say: "Spending of this portion on securing the routes of the pilgrimage and for providing water, food, and health services for the pilgrims is permissible if funds from other sources are not available."

Included in the share designated "for the cause of Allah" are those spendings in the interest of the common good that pertain to both religious and secular matters. The foremost is the preparations for war, including buying arms, food supplies for soldiers, means of transportation, and equipment for warriors. However, the supplies for warriors are to be returned to the treasury after the war. This applies especially to unconsumable items such as weapons, horses, and so on. A warrior does not always possess such items, for he uses them in the cause of Allah only when necessary. This is not the case, however, with other recipients of zakah, such as zakah collectors, debtors, people who received money under the expense account "reconciliation of hearts," and the wayfarers. They do not have to return the zakah, even if they are no longer entitled to it.

Also included in the expense account "for the cause of Allah" are projects such as establishing military hospitals, paved and unpaved roads, the extension of military (not commercial) railway lines, and the building of cruisers, warplanes, fortresses, and trenches. An important item in this category could be the preparation of Muslim missionaries and sending them to non-Muslim countries to spread Islam, just as non-Muslim missionaries are now spreading their religions in Islamic countries. Also falling under this heading would be school expenses to prepare adequate courses in religious sciences and in other areas of public interest. Teachers involved in such programs should be given sadaqah as long as they continue to perform their assigned jobs without resorting to other means of income. Scholars who are rich should not be paid for their work, despite their obvious benefits to the people.

## Fiqh 3.70: Sadaqah for the Wayfarer

Scholars agree that a traveler stranded in a foreign land should be given zakah if he lacks the means to achieve his objectives. The extension of zakah is, however, tied to the condition that the journey must

have been undertaken for Islamically acceptable reasons. Just what such a trip involves is open to question. The preferable opinion among the Shaf'iyyah is that sadaqah is given even when the traveler is taking the trip for sightseeing and pleasure. The wayfarer (ibn as-sabil), according to the Shaf'iyyah, is of two kinds:

1 a person traveling within his own country, and

2 one traveling in a foreign country. Both of them are entitled to zakah, even though they could find someone to lend them the needed amount and they have enough resources in their own country to pay their debts. According to Malik and Ahmad, only the passer-by is eligible for zakah and not one traveling within his own country. Zakah is not to be given to the person if he can find someone to lend him the money he needs and if he has enough of his own money in his country to pay his debt.

## Fiqh 3.70 a: Who Has Priority in the distribution of zakah

The distribution of zakah to those who are eligible, as mentioned in the 'ayah from at-Taubah, can now be classified as under:

The poor (fuqdra'); the needy (rnasakm); the administrators of zakah ('amildna 'alaiha); those whose hearts are to be won over (mu'allafatu qulubuhum), slaves (ar-riqab); those in debt (gharimun) the wayfarers (abna' as-Sabil); the warriors (rnujahidln).

The jurists differ over the distribution of zakah among the preceding eight groups of people.

Ash-Shaf'i and his followers hold that if a distributor of zakah happens to be the owner of the property (or the agent), then there is no share of the collectors in it. In that case, it becomes obligatory to distribute the sum collected among the remaining seven categories. If other categories are for some reason ineligible for their share, it will be distributed among those still eligible. It is not permissible to disregard any category if it meets the conditions for eligibility. Ibrahim anNakha'i says that if the amount of zakah received is large, then it is possible to divide it among the different categories. However, if it is small, it is permissible to place it into one category. Ahmad ibn Hanbal holds that the division of zakah has a priority but that it is permissible to give it all to one category. Malik maintains that the distributor of zakah should make an effort to investigate those who are in need. He should distribute it according to the immediate condition of the needy and poor people. Thus, if he sees in certain years that the poor need more, they should be given priority. If he sees in another year that the wayfarers are more needy, he should distribute it among the travelers. The Hanafiyyah and Sufyan athThauri thought that the zakah payer can choose the categories he wished to distribute the zakah to. This is related by Huzhaifah and Ibn 'Abbas. Al-Hasan alBasri and 'Ata' ibn Abi Rabah base their opinions on it. Abu Hanifah holds that the distributors of zakah may give it to one person under any of the eight categories.

## Fiqh 3.71: Why the Scholars Differ

According to Ibn Rushd: "The cause of their differences lies between the literal and the intended meaning. The literal meaning determines the classifications, but the intended meaning shows that priority should be given to the needy according to the immediacy of their needs since the aim [of the institution of zakah] is to eliminate poverty. The enumeration [of the categories] in the Qur'an is meant to distinguish the different kinds--that is, the people eligible for zakah, and not necessarily their grouping. The first interpretation is the literal one while the second is the intended interpretation." Ash-Shaf'i builds his case on the hadith of as-Suda'i which is related by Abu Dawud. A man came to the Prophet, upon whom be peace, and asked for zakah. The Messenger of Allah, upon whom be peace, said: "Allah has not left the matter to the judgment of a prophet nor to others. He has laid the rules for it--that is, He has classified [the beneficiaries] into eight categories. If you fit into any of these, I will give you your due."

## Fiqh 3.71 a: The Preference of the Majority Opinion Over That of ash-Shaf'i

The author of ar-Rawdah an-Nadiyyah says: "Distributing all of the zakah to one group is more benefiting to the realization of the word of Allah." In brief, one may say that Allah made zakah applicable only to the eight specifically mentioned categories. Spelling out these categories does not mean that the zakah has to be distributed among them equally or even that it has to be divided among them. The intended meaning, however, is that the categories of sadaqah are similar to various groups of people who are eligible for it. Thus, one who is obligated to pay anything to any category of sadaqah and gives it to a person in a parallel group is considered to be fulfilling what Allah commanded him to do. Contrary to this, if one divides his zakah due into the acknowledged eight categories, if all eight exist, then that would not only be contrary to the practice of the Muslims throughout history, but it would cause hardship to the payer of zakah. For example, if the collected zakah were meager, it would be of no benefit to any designated category--even if it was of one kind, to say nothing if it was of numerous kinds. To endorse such a practice would be tantamount to counter what the Prophet, upon whom be peace, did when he permitted the payment of a penance (kaffarah) from the charity collected for Salmah ibn Sakhr. Obviously, the hadith of as-Suda'i cannot be used as evidence.

There is not a single case in the entire corpus of hadith literature which could be used to make the distribution of zakah to all groups of people obligatory. Using the hadith of Mu'azh as evidence that the Prophet, upon whom be peace, instructed him to take zakah from the rich Yemenites and give it to their poor will not be of much help because it does not establish that the zakah was distributed to all the groups. Nor is the hadith of Ziyad ibn al-Harith as-Suda'i valid in this regard because in its chain of narrators is 'Abdur-Rahman ibn Ziyad al-'Afriqi, whose credibility has been questioned by many scholars. Assuming that this hadith is valid for the point under discussion, the meaning of the division of zakah into parts is its distribution according to the apparent meaning of the Qur'anic 'ayah and what the Prophet, upon whom be peace, had in mind. Assuming that the division of zakah itself is intended, the distribution has to be done according to the specified categories. In this case, any transfer of the share of one group to another, even if the group concerned was for some reason non-existent, will not be permissible. Such an approach will be contrary to the consensus of Muslim scholars. If we accept that, then the deciding factor for the sadaqah's distribution is the leader's wish rather than, and not the specific categories of eligible people. Thus, there is no evidence that makes division obligatory, and it is consequently permissible to give some sadaqah to those eligible people and some to other groups. Indeed, when the leader collects all the sadaqat from his people and all eight categories are eligible to receive them, each group has the right to claim its share. However, he does not have to divide the collected sadaqat among them equally or distribute it without any distinction, for he can give any amount to any group or groups that he wants to, or he can give some without giving the rest if he thinks it is in the interest of Islam and its people. For example, if the sadaqah was collected and then a jihad was announced, meaning that it would become necessary to defend the territory of Islam against the unbelievers, the leader can give some or all of it to the deserving warriors. This also applies to other concerns if the interest of Islam necessitates it.

### Fiqh 3.73: People Forbidden for Zakah

We have discussed so far the distribution of zakah and the categories of people eligible to receive it. Now we will talk about those who are forbidden to receive it. They are:

### Fiqh 3.73 a: Unbelievers and Atheists

The jurists agree that unbelievers and atheists are not to be given zakah. In the hadith which says: "Zakah is taken from the rich and given back to the poor," "the rich" refers to rich Muslims while "the poor" indicates poor Muslims. Ibn al-Munzhir said that all scholars agree that the free nonMuslim subject (zhimmi) is not entitled to zakah. Exceptions to the rule are those people whose hearts are leaning toward Islam. However, it is permissible to give a zhimmi from the nonobligatory charity (tatawwu'). Alluding to the characteristics of the belivers, the Qur'an says: "And for His love, they feed the indigent, orphan, and captive" (ad-Dahr: 8.. This is also supported by the following hadith: "Be kind to your mother." The woman in this case was an unbeliever.

### Fiqh 3.73 b: Banu Hashim

This includes the families of 'Ali, Ja'far, al'Abbas, and al-Harith. Ibn Qudamah says there are no two opinions on the ineligibility of Banu Hashim to receive zakah. The Prophet, upon whom be peace, declared: "Indeed, sadaqah ought not to be given to the family of Muhammad ..." Muslim related it. Abu Hurairah reported that when al-Hasan took one date from the sadaqah dates, the Prophet, upon whom be peace, said to him: "Nay, spit it out! Don't you know that we cannot eat from charity?" Scholars agree on the authenticity of this hadith. As to the eligibility of Banu al-Muttalib for zakah, the scholars differ.

Ash-Shaf'i holds that like Banu Hashim they are disallowed to take zakah. Ash-Shaf'i, Ahmad, and al-Bukhari relate from Jubair ibn Mut'im who said: "At the battle of Khaibar, the Prophet, upon whom be peace, set aside the share of the relatives of the families of Banu Hashim and Banu al-Muttalib and left out the shares of Banu Nawfal and Banu 'Abd Shams. I and 'Uthman ibn 'Affan came to the Messenger of Allah, upon whom be peace, and said to him: 'O Messenger of Allah! Do not deny Banu Hashim the grace of their position because Allah placed you among them. How about our brothers Banu al-Muttalib? You gave them and left us out? Isn't our relationship one and the same?' The Prophet, upon whom be peace, answered: 'I and Banu al-Muttalib are not to be separated either during jahiliyyah or Islam. We and they are one.' Then he joined his fingers [in demonstrating the close relationship]." Reason dictates that one should not differentiate between them (the two families) in any matter of law because they are one according to the saying of the Prophet. It is evident that they are the family of Muhammad, and therefore, sadaqat are forbidden to them. Abu Hanifah holds that the family of Banu al-Muttalib may take from zakah. Both these reports are related by Ahmad. Just as the Messenger of Allah, upon whom be peace, made charity unlawful for the family of Banu Hashim, he also made it unlawful for their proteges (mawla). Abu Rafi', a protege of the Prophet, said that the latter appointed a man from the family of Banu Makhzum to collect sadaqat. This man said to Abu Rafi': "Accompany me so that you may get some of it." He said: "No, until I meet the Messenger of Allah, upon whom be peace, and ask him." He left and asked him. The Prophet answered: "Sadaqah is not lawful for us--and the proteges of a certain tribe are like [the members of the tribe] themselves." Ahmad, Abu Dawud, and at-Tirmizhi related it. The latter grades it good (hassan) and sound (sahih).

Whether nonobligatory charity (tatawwu') is lawful for the family of the Prophet or not, scholars differ. Ash-Shaukani, having summarized the views on the issue, says: "The apparent meaning of the Prophet's hadith, 'Sadaqah is unlawful for us,' is the unlawfulness of the obligatory as well as nonobligatory sadaqat." A group of scholars, including al-Khattabi, says that its prohibition for the Prophet, upon whom be peace, carries consensus. Based on ashShaf'i's report, many others have ruled that the prohibition of zakah to the Prophet does not include the nonobligatory charity. A report from Ahmad equally says so but Ibn Qudamah rejects all these reports for lack of clear evidence.

As for the family of the Prophet, upon whom be peace, the vast majority of the Hanafiyyah, the Shaf'iyyah, the Hanbaliyyah, and the majority of the Zaidiyyah hold that nonobligatory sadaqah is permissible for them but not the obligatory one, since to them the latter is nothing but filth that comes out from people's holdings. This is understood to mean that the (prescribed) zakah and not the nonobligatory sadaqat, are forbidden to them. It is said in alBahr that nonobligatory sadaqah is restricted by being confined to a donation, gift, or endowment. Abu Yusuf and Abu al-'Abbas maintain that it is unlawful for them, as is the prescribed charity, because there is no evidence of the contrary.

## Fiqh 3.75: Fathers and Sons

The jurists agree that it is not permissible to give zakah to one's father, grandfather, mother, grandmother, son, grandson, daughter, and her children because the zakah payer is obligated to take care of all such people anyway. In case of their poverty, they should draw upon his largesse because it is their right. Thus, if he pays them zakah, he benefits himself and avoids the obligation of supporting them. Malik exempts the grandfather, grandmother, grandsons, and granddaughters because one does not have an obligation to support them if they are poor. However, if they are well-off and fought voluntarily for the cause of Allah, the zakah payer may give them some of the zakah designated for those fighting in the cause of Allah. He may also give them some of the share meant for debtors, though he is not obligated to pay off their debts. He may also give them a portion of the amount set aside for zakah collectors, provided they are in this category.

## Fiqh 3.75 a: The Wife

Ibn al-Munzhir says that all scholars agree that a man is not obligated to give his wife zakah, the reason being that adequate support for her is already enjoined upon him, unless she is in debt. In that case, she may be given from the debtor's share to pay off her debt.

## Fiqh 3.75 b: The Distribution of Zakah in Order to Grow Nearer to Allah

It is not permissible to distribute zakah so as to grow nearer to Allah other than what Allah, the Exalted One, mentions in the 'ayah: "The alms are only for the poor and the needy" (at-Taubah 60). Thus, zakah cannot be paid for establishing mosques, bridges, road repair, hospitality, shrouding the dead, and so on. Abu Dawud witnesses: "I heard Ahmad while he was asked whether spending part of the zakah on shrouding the deceased was permissible. He said: 'No. Nor can it be used to pay the debt of the dead.' " He also said: "One can pay the debt of a living person from the zakah but not that of the deceased. For a person who dies, there is no debt."

Ahmad was also asked what would happen if it had been given to help them redeem their debt. He answered: "Yes, for his family it is all right."

## Fiqh 3.76: Who Distributes Zakah?

The Messenger of Allah used to send his authorized agents to collect zakah. He would then distribute it among the deserving people. Abu Bakr and 'Umar did the same. There is no difference between unhidden wealth (i.e., plants, fruit, cattle, and minerals) and hidden wealth (i.e., trade goods, gold, silver, and treasure). When 'Uthman became caliph, he followed this practice for a while. Later on, when he saw that the hidden wealth was tremendous and that pursuing it embarrassed the community and while checking it harmed its owners, he left the payment of the zakah on such property to the individual's discretion. Jurists agree that the owners themselves should assume the distribution of zakah, especially when it is for hidden wealth. As-Sa'ib ibn Yazid reported: "I once heard the Messenger of Allah, upon whom be peace. He said: 'This is the month of your zakah. If any one of you still owes a debt, let him pay it off so that your properties become free from debts. Then, you can pay the zakah on them.' " Al-Baihaqi relates it with a sahih chain.

An-Nawawi says that some scholars agree with this practice.: Who should distribute the zakah on hidden wealth

Is it preferable for the owners to distribute the zakah due on their hidden wealth, or is it preferable to let the leader distribute it?

There is more than one opinion on this subject. The preferred choice among the Shaf'iyyah is that zakah be paid to the government, especially when it is a just government. According to the Hanbaliyyah, it is preferable that the zakah payer distribute it himself, even though it is permissible to give it to the ruler. On the other hand, Malik and the Hanafiyyah hold that if the wealth is unhidden, the Muslim leader and his agents have the authority to ask for and take their zakah. The opinion of the Shaffiyyah and the Hanbaliyyah concerning unhidden wealth is similar to that on the hidden ones.

## Fiqh 3.76 a: Paying Zakah to the Leader, Regardless of His Being Just or Unjust

It is permissible to pay zakah to a Muslim leader, whether he is just or not, provided he rules (more or less) according to Islamic laws. The property owner absolves himself of his obligation by giving zakah to the leader. If the leader does not distribute it properly, it is preferable that the property owner do so himself, unless the leader or his agent asks for it.

Anas reported: "A man from the tribe of Banu Tamim came to the Messenger of Allah, upon whom be peace, and said: 'O Messenger of Allah! If I paid the zakah to your representative, am I acquitted of my responsibility?' The Messenger of Allah, upon whom be peace, said: 'Yes, if you pay it to my

representative, then you have acquitted yourself. Its reward will be yours and its sin will be upon whoever misused it.' " This is related by Ahmad.

Ibn Mas'ud reported that the Prophet, upon whom be peace, said: "After me, there will be selfishness and you will deny obligations." They said: "O Messenger of Allah! What do you command us to do?" He answered: "Pay the due which is upon you and ask Allah what is right for you." This is related by al-Bukhari and Muslim.

Wa'il ibn Hajar reported: "I heard the Messenger of Allah, upon whom be peace, say after a man had asked him his opinion of our leaders who deny their right [of collecting and distributing the zakah]: 'Listen and obey, for indeed, they have their responsibility and you have yours.' " This is related by Muslim.

Commenting on the subject, ash-Shaukkani says that the hadith cited in this section are used by many scholars to justify the permissibility of transferring both kinds of zakah to unjust rulers. This applies to rulers of Muslims in the world of Islam (Dar al Islam).

As to contemporary Muslim governments, Sheikh Rashid Rida says: "At present, the majority of Muslims do not have an Islamic govemment which establishes Islam, propagates and defends it, calls for jihad individually or collectively, implements its divine injunctions, and collects and distributes zakah according to the rules laid down by Allah, the Exalted One.

Some of the Muslim rulers are under the influence of Western powers, while others are under the tutelage of polytheists. These foreign powers employ Muslim leaders as tools to subjugate the people in the name of Islam, thus destroying Islam itself. They use the influence of the Muslim leaders and Muslim resources, including zakah and endowments, to further their interests. To such rulers, it is not permissible to pay any part of zakah, regardless of their title or profession of faith. As for the rest of the Islamic governments whose rulers and heads of state profess Islam and whose finances are not controlled by foreigners, the payment of unhidden zakah should be made to their leaders. This also applies to hidden properties, such as gold and silver, when the leaders request it, even if they are unjust in some of their judgments, as is said by the jurists."

## Fiqh 3.78: The Preferability of Giving Zakah to Good People

Zakah is given to a Muslim provided he is eligible to receive it. Whether he is good or sinful does not matter. If, however, it is known that he will use it to perpetuate what Allah has forbidden, it should be denied to him. It is preferable that one who pays zakah should give it to the pious, the knowledgeable, and those of kind disposition. It is related from Abu Sa'id al-Khudri that the Prophet, upon whom be peace, said: "The likeness of a believer and the likeness of belief are similar to the horse that, tied to its post, walks around and then comes back to its post. The believer may forget, but he returns to his belief. Thus, give your food to the righteous people and entrust your favors to the believers." This is related by Ahmad with a good chain and as-Suyuti authenticated it.

Ibn Taimiyyah says that the needy who discards his salah will not be given anything until he repents and offers salah again because neglecting salah is a grave sin. It is not right that one who commits this sin should be financially helped until he repents to Allah. Included along with those who neglect salah are offenders who are not ashamed to commit sinful acts and remain unrepentant. Also, one whose conscience is corrupted has an innate character which is distorted and a sense of good which is virtually dead. Such a person is not given zakah unless doing so will turn him in the right direction and help him reform.

## Fiqh 3.78 a: The Zakah Giver is Forbidden to Buy Back What He Gave in Charity

The Messenger of Allah, upon whom be peace, prohibited the one who gives zakah to buy back what he gave up for Allah, the Exalted One. This is similar to the case of those immigrants who were prohibited (by the Messenger) to return to Makkah after they had left it as immigrants. It is related by 'Abdullah

ibn 'Umar that: "Once 'Umar gave away a horse, for the cause of Allah, as sadaqah. Later, he saw it for sale and wanted to buy it. He asked the Messenger of Allah, upon whom be peace, if he could do so. The Messenger answered: 'Do not buy back what you gave in sadaqah.'" This is related by al-Bukhari, Muslim, Abu Dawud, and an-Nasa'i. AnNawawi says it is a purifying prohibition, not one of unlawfulness. It is unsuitable (makruh) for a person to buy back what he has given in sadaqah, or zakah, or penance for a promise, or anything of the nature which brings one closer to Allah, the Exalted One. This is also applicable to a gift offered to someone which the donor cannot own even if it is allowed by the recipient. However, it can be owned by him again if he inherits it. According to Ibn Battal, most scholars disliked someone to buy his sadaqah back. This is in accordance with 'Umar's hadith. Ibn al-Munzhir says that al-Hasan, 'Ikrimah, Rabi'ah, and al-Auza'i allowed buying one's charity back. Ibn Hazm is also inclined to this view because of a hadith from Abu Sa'id alKhudri. The Messenger of Allah, upon whom be peace, said: "Sadaqah is not allowed to the well-to-do except for five among them: one who fights in the cause of Allah; one who administers zakah; one who is in debt; one who bought [the article of zakah] with his money; or one who has a poor neighbor to whom he gave sadaqah, and the latter gave it as a gift to him."

## Fiqh 3.79: Preference in Giving Zakah to Husband or Relativee

A poor husband is entitled to receive zakah from his well-to-do wife, even though she is not supposed to support him. Her reward for giving it to him is more than if she were to give it to strangers. Abu Sa'id al-Khudri reported that Zainab, the wife of Ibn Mas'ud, said: "O Prophet of Allah! Indeed you have ordered us today to give away sadaqah, and I have some jewelry which I wanted to give away as sadaqah. But Ibn Mas'ud claims that he and his children deserve it more than someone else." The Prophet, upon whom be peace, responded: "Ibn Mas'ud is right. Your husband and your children are more deserving." This is related by al-Bukhari. AshShafi, Ibn al-Munzhir, Abu Yusuf, Muhammad, the Zahiriyyah, and one of the reports by Ahmad hold the same view. Abu Hanifah and other scholars differ, saying that the wife is not allowed to give any sadaqah to her husband. They maintain that Zainab's hadith is concerned with voluntary sadaqah and not with the obligatory one. Malik holds that it is not permissible for a husband to spend the sadaqah he receives from his wife on her. Spending it on others is all right. Most scholars say that one's brothers, sisters, paternal uncles and aunts, and maternal uncles and aunts may receive zakah if they are eligible. Their opinion is based on the hadith which says: "Sadaqah for the poor is rewarded as one sadaqah, but in the case of a relative it is considered as two: [one reward for] blood tie and [the other reward for] the sadaqah [itself]." This is related by Ahmad, an-Nasa'i, and at-Tirmizhi. The latter grades it hassan.

## Fiqh 3.80: Giving Charity to Seekers of Religious Knowledge

An-Nawawi holds that if someone is able to earn a suitable living and wants to occupy himself by studying some of the religious sciences but finds that his work will not allow him to do so, then he may be given zakah since seeking knowledge is considered a collective duty (fard kifayah). As for the individual who is not seeking knowledge, zakah is not permissible for him if he is able to earn his living even though he resides at a school. An-Nawawi says: "As for one who is engaged in supererogatory worship (nawafil) or for one who occupies himself in nawafil with no time to pursue his own livelihood, he may not receive zakah. This is because the benefit of his worship is confined only to him, contrary to the one who seeks knowledge."

## Fiqh 3.80 a: Setting Debt Free through Zakah

Formulating the issue, an-Nawawi says in al-Majmu': "Suppose a person owes a debt to another person and at the same time he qualifies for zakah. [When zakah is due for the lender to pay,] he tells [the borrower]: 'Consider the debt for [my] zakah.' Would it be valid?" An-Nawawi says there are two opinions on it. According to Ahmad and Abu Hanifah, who held the better opinion, it does not constitute zakah because it cannot be discharged unless actually paid, while Hasan al-Basri and 'Ata maintain that the responsibility to pay zakah will be discharged even though there is no payment of zakah (at that point in time) by its payer.

Likewise, if an individual trustingly assigns some money to a person to keep and at the time of zakah

he asks the assignee to keep the amount in lieu of his zakah, it will be valid.

The jurists, however, agree that if a person pays zakah to another who owes him money and then receives it back to redeem his loan to him, the obligation to pay zakah will not be discharged. It is also invalid for a person to accept zakah on the condition that he will pay it back to the lender (the zakah payer) for the amount he owes him. Nevertheless, if at the time of lending and acceptance of the loan both agree to do so, even though it was not mentioned in the deal, it will be valid as zakah.

## Fiqh 3.81: Transfer of Zakah

The jurists agree that zakah can be transferred from one city to another provided the needs of the city residents whom the zakah was originally derived from have first been satisfied. A large number of hadith on the subject stress the need for depleting zakah among the poor and the needy of the city from which it is collected. This is because zakah aims at freeing the poor inhabitants of an area from want, and thus its transfer would contribute to their deprivation. This is substantiated by the hadith of Mu'azh: "Tell them that there is a charity due upon them to be taken from their rich and to be given back to their poor." Abu Juhaifah reported: "The charity collector of the Messenger of Allah, upon whom be peace, came to us and took zakah from our rich and gave it to our poor. I was an orphan then, and he gave me a young she-camel." This is related by at-Tirmizhi, who graded it hassan.

'Imran ibn Husain reports that he was employed as a charity collector. When he returned from this assignment, he was asked: "Where is the collection?" He responded: "Did you send me for the collection? We took it and distributed it the way we did at the time of the Messenger of Allah, upon whom be peace." This is related by Abu Dawud and Ibn Majah. On the same subject, Tawus says: "Mu'azh wrote in his letter: 'Anyone who moves from one location to another, his charity and tithe remain in the location of his tribe.'" This is related by al-Athram in his Sunan.

Based on such hadith, the jurists say that the poor of a city have a prior claim over the local zakah than the poor elsewhere. Still, they differ over which conditions must prevail before zakah can be transferred from one city to another.

The Hanafiyyah hold that transferring zakah is disliked (makruh) unless it is for needy relatives and serves the ties of blood, or when the needs of a group of Muslims are more pressing than those of the locals, when it is tied to the general interests of the Muslims, when it is sought from a country at war against the Muslims to the land of Islam, when it is intended for a scholar, or when zakah is paid before the completion of the hawl. In those cases, transferring zakah is not disliked (makruh).

The Shaf'iyyah maintain that transferring zakah is not allowed and that it must be spent in the area of its origin, unless it has no poor or other categories of zakah recipients. 'Amr ibn Shu'aib reported that the Messenger of Allah, upon whom be peace, appointed Mu'azh ibn Jabal to a position in Jund where the latter remained until the death of the Prophet. At the time of this event, he came to 'Umar who reappointed him. He sent to 'Umar one-third of the sadaqat collected from the local people, but 'Umar turned it down and said: "I did not appoint you to go there as a tax collector or as a tribute (jizyah) taker. I appointed you to collect sadaqat from the rich and then to return them to their poor." Mu'azh replied: "I would not have sent you anything [from the collection] if I had found someone deserving [over here]."

In the second year, he sent him half of the collected sadaqat, and they ran into the same issue again. In the third year, he sent him all of it, and 'Umar again argued with him. Mu'azh responded: "I could not find anyone who deserved to receive anything from me." This is related by Abu 'Ubaid.

Malik holds that transferring zakah is allowed only when there is a desperate need. The administration then can send it to the other place after due consideration of all the facts. The Hanbaliyyah say that it is not permissible to transfer zakah from its place of origin to that of the place beyond which salat ul-qasr is applicable. It must be spent in the place which generated it or near to it but not beyond the point of qasr.

Abu Dawud says: "I heard Ahmad saying 'no' when asked if zakah could be transferred from one city to another. Asked further, 'What if his [the zakah payer's] relatives are in the other city?' he replied: 'No. It can be transferred only when the needs of the poor residents of a city have been satisfied.' " This is based on the preceding hadith of Abu 'Ubaid. Ibn Qudamah holds that even if the zakah payer violated the above stipulations by transferring it, he would still have met his obligation. Most of the scholars also support this view. When a man resides in one city and his holdings happen to be in another, consideration will be given to the city where his holdings are located because the holdings generated zakah and the eligible people will be eyeing it. If part of the holdings are with the owner and some are in another city, zakah will be paid on the portion in each city. This applies to zakah on one's holdings. As for the zakah at the end of Ramadan (zakat ul-fitr), it is distributed in the city where it is due, whether the payer's holdings are there or not. This is because this type of zakah is associated with the person rather than with the holdings.

## Fiqh 3.83: Errors in the Distribution of Zakah

The topic of recipients versus non-recipients of zakah has already been covered. It does happen, however, that a zakah payer inadvertantly gives it to an ineligible person at the expense of an eligible one. Upon the realization of such a mistake, would he be considered to have fulfilled his obligation of zakah or would it still be a debt upon him until he pays it to the right people? The jurists differ over this point. Abu Hanifah, Muhammad, al-Hasan, and Abu 'Ubaidah maintain that in such a case he would not be required to pay another zakah.

Ma'an ibn Yazid reports: "My father set aside a few dinars for sadaqah and gave them to a man in the mosque. I went and took them and brought them back to my father. He said: 'By Allah! What have you done?' I consulted the Prophet, upon whom be peace, about it. The Prophet observed: 'O Yazid, for you is what you intended and O Ma'an, for you is what you have taken.' " This is related by Ahmad and al-Bukhari. The meaning of this hadith is that sadaqah is supererogatory (nafl); however, the word ma (meaning what) in laka rna nawayta (for you is what you intended) denotes generalization. Abu Hanifah and Muhammad are supported in their stand by a hadith from Abu Hurairah which reports the Prophet, upon whom be peace, saying: "A man [from Banu Isra'il] said [to himself]: 'Tonight I will give away something in sadaqah.' So he went out with his sadaqah and [unknowlingly] gave it to a thief. The next moming he was told by the people that he had given sadaqah to a thief. [On hearing this,] he said: 'O Allah! Praised be You. Certainly I will give sadaqah again.' So, he went out with his sadaqah and [unknowingly] gave it to an adulteress. The next moming he was told that he had given sadaqah to an adulteress. The man said: 'O Allah! Praised be You. [I gave my sadaqah] to an adulteress. Certainly I will give sadaqah again.' Thus he went out with his sadaqah again and [unknowingly] gave it to a rich person. The next moming the people said that the night before he had given his sadaqah to a wealthy person. He said: 'O Allah! Praised be You. [I have given my sadaqah] to an adulteress, a thief, and a rich person.' [In his dreams] he saw someone saying to him: 'The sadaqah you gave to the thief might make him abstain from stealing, and that given to the adulteress might make her abstain from illegal sex [adultery], and that given to the wealthy person might make him learn a lesson from it and spend his wealth, which Allah, the Exalted One, has given him in Allah's cause.' " This is related by Ahmad, al-Bukhari, and Muslim.

The Prophet, upon whom be peace, said to a man who asked him for sadaqah: "If you were eligible for zakah, I would have given you your due." He (the Prophet) gave (zakah) to two well built persons saying: "If you wish, I will give from it [sadaqah]. There is no portion in it for a wealthy person or a healthy individual who is eaming." Ibn Qudamah says: "If he would have considered the reality of the rich person, he would not have been contented with what they said [conceming this matter]."

The opinion of Malik, ash-Shaf'i, Abu Yusuf, ath-Thauri, and Ibn al-Munzhir is that it will not be sufficient for a zakah payer to give it to the undeserving, especially when his mistake becomes clear. In that case, he should pay zakah once again to those who deserve it. His case is similar to the case of unpaid debts (owed) to other people. Ahmad says that there are two opinions conceming one paying zakah to a person whom he thought was poor and later leamed was rich. The first contends it would be considered paid, while the second says that it would not be. When it becomes known that one who received zakah is a slave, an unbeliever, a Hashimite (a person from the Prophet's family), or an ineligible relative of the zakah payer, then one has not discharged one's obligation, the reason being

that it is difficult to know who is rich and who is poor: "The ignorant man thinks that since they [who do not ask for] are modest they are free from want" [al-Baqarah 273].

## Fiqh 3.84: Disclosure of Sadaqah

It is pemmissible for the person giving sadaqah to disclose his sadaqah, whether it is of an obligatory or supererogatory type (nafilah), so long as he does not do it ostentatiously. However, it is preferable not to disclose it. Allah, the Exalted One, says: "If you publicize your almsgiving, it is alright, but if you hide it and give it to the poor, it will be better for you" [al-Baqarah 271]. Ahmad, alBukhari, and Muslim relate from Abu Hurairah that the Prophet, upon whom be peace, said: "Seven people will be shaded by Allah on the day when there will be no shade except His. These people are: a just ruler, a young man who has been brought up in the worship of Allah, a man whose heart is attached to the mosque, two persons who love each other only for Allah's sake and they meet and depart in Allah's cause only, a person who gives sadaqah so secretly that his left hand does not know what his right hand has given, a person who remembers Allah in his seclusion and his eyes get filled with tears, and a man who refuses the call of a chamling woman of noble birth for illicit sex and says: 'I am afraid of Allah, the Exalted One.' "

## Fiqh 3.87: Zakat ul-Fitr

Zakat ul-fitr is a type of sadaqah which must be paid by every Muslim, young and old, male and female, free and slave, at the end of the month of fasting (Ramadan).

Al-Bukhari and Muslim relate from Ibn 'Umar that he said: "The Prophet, upon whom be peace, enjoined the payment of one sa' of dates or one sa' of barley as zakat ul-fitr on every Muslim, young and old, male and female, free and slave."

## Fiqh 3.87 a: The Purpose of Zakat ul-Fitr

Zakat ul-fitr was made obligatory in the month of Sha'ban in the second year of the hijrah. Its purpose is to purify one who fasts from any indecent act or speech and to help the poor and needy. This view is based upon the hadith reported by Abu Dawud, Ibn Majah, and ad-Daraqutni from Ibn 'Abbas. The Messenger of Allah, upon whom be peace, enjoined zakat ul-fitr on the one who fasts to shield one's self from any indecent act or speech and for the purpose of providing food for the needy. It is accepted as zakah for the person who pays it before the 'id salah, and it is sadaqah for the one who pays it after the salah.

## Fiqh 3.88: Who Must Pay Zakat ul-Fitr

Zakat ul-fitr is incumbent on every free Muslim who possesses one sa' of dates or barley which is not needed as a basic food for himself or his family for the duration of one day and night. Every free Muslim must pay zakat ul-fitr for himself, his wife, children, and servants.

## Fiqh 3.88 a: The Amount of Zakat ul-Fitr

The required amount of zakat ul-fitr is one sa' of wheat, barley, raisins, dry cottage cheese (aqit), rice, corn, or similar items considered as basic foods (qut). Abu Hanifah made it permissible to set aside, as a zakat ul-fitr, an equivalent value and also said that if the payer pays in wheat, one-half of a sa' would be sufficient. Abu Sa'id al-Khudri reported: "We used to give on behalf of every child, old person, freeman, and slave during the lifetime of the Messenger of Allah, upon whom be peace, one sa' of food, or one sa' of dried cottage cheese, or one sa' of barley, or one sa' of dates, or one sa' of raisins as zakat ul-fitr. We continued to do so until Mu'awiyyah came to us to perform pilgrimage (hajj) or a minor pilgrimage ( 'umrah). He then addressed the people from the pulpit and said to them: 'I see that two mudds of wheat of Syria equals one sa' of dates.' The people accepted that." However, Abu Sa'id contended: "I would continue to give as I used to give, namely, one sa' as long as I live." This is related by most hadith narrators. At-Tirmizhi remarks: "Some of the scholars gave one sa' from every

charitable item [which is accepted as a sound practice]." Ash-Shaf'i and Ishaq sustain this view but some other scholars gave one sa' from every charitable item except wheat, of which only half a sa' would be sufficient. This is the saying of Sufyan, Ibn al-Mubarak, and the scholars of Kufah.

### Fiqh 3.88 b: When Zakat ul-Fitr is Due

The jurists agree that zakat ul-fitr is due at the end of Ramadan. They differ, however, about the exact time.

Ath-Thauri, Ahmad, Ishaq, and ash-Shaf'i (in his later opinion), and Malik (in one of his reports) are of the opinion that it is due at the sunset of the night of breaking the fast, for this is when the fast of Ramadan ends. Abu Hanifah, al-Layth, ash-Shaf'i (in his original opinion), and the second report of Malik say that zakat ulfitr is due at the start of fajr on the day of 'id.

These two different views acquire relevance if a baby is born after sunset but before dawn on the day of 'id; the question then is whether zakat ul-fitr is obligatory for the baby or not. In accordance with the first view, it is not since the birth took place after the prescribed time, while according to the second view, it is due because the birth took place within the prescribed space of time.

### Fiqh 3.89: Paying Zakat ul-Fitr in Advance

Most scholars believe that it is permissible to pay zakat ul-fitr a day or two before 'id. Ibn 'Umar reports that the Messenger, upon whom be peace, ordered them to pay zakat ul-fitr before the people went out to perform the 'id prayers. Nafi' reports that 'Umar used to pay it a day or two before the end of Ramadan. However, scholars hold different opinions when a longer time period is involved. According to Abu Hanifah, it is permissible to pay it even before Ramadan. Ash-Shaf'i holds that it is permissible to do so at the beginning of Ramadan. Malik and Ahmad (in his well-known view) maintain that it is permissible to pay it only one or two days in advance.

The founders of the four accepted Islamic legal schools agree that zakat ul-fitr is not nullified simply by not paying it on its due date. If such is the case, it becomes a debt on the one responsible for it until it is paid. They also agree that it is not permissible to delay it until the day of 'id, but Ibn Sirin and an-Nakha'i say that this can be done. Ahmad says: "I hope that there is no harm [in the delay of its payment]." Ibn Raslan says that there is a consensus that its payment cannot be delayed just because it is a type of zakah. Thus, any delay is a sin and is analogous to delaying one's prayers without an acceptable excuse. This is proved by the following hadith: "If one pays zakat ul-fitr before the salah, it is considered an accepted zakah. If he pays it after the salah, it is considered an ordinary sadaqah."

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## Fiqh 3.90: Distribution of Zakat ul-Fitr

The distribution of zakat ul-fitr is the same as that of zakah-- that is, it has to be distributed to the eight groups of beneficiaries mentioned in the 'ayah: "The alms are only for the poor ..." [atTaubah 60]. The category comprising the poor is considered the most deserving. This is also supported by the hadith: "The Messenger of Allah, upon whom be peace, enjoined zakat ul-fitr as a purification for the one who fasts from any indecent act or speech, and as food for the needy."

Al-Baihaqi and ad-Daraqutni relate from Ibn 'Umar who said: "The Messenger of Allah, upon whom be peace, enjoined the zakat ul-fitr, and also said: 'Free them from want on this day.'"

### Fiqh 3.90 a: Giving Zakat ul-Fitr to a Zhimmi

Az-Zuhri, Abu Hanifah, Muhammad, and Ibn Shubrumah make it permissible to give zakat ul-fitr to a zhimmi. Allah, the Exalted One, says: "Allah allows you to show kindness and deal justly with those who did not war against you on account of religion and did not drive you out from your homes. Lo! Allah loves those who are just" [al-Mumtahanah 8].

### Fiqh 3.90 b: Are There Other Claims on Wealth Besides Zakah?

Islam views wealth realistically--as an essential aspect of life and the main means of subsistence of individuals and groups. Allah, the Exalted One, instructs: "Give not to those who are weak of understanding [what is in] your wealth which Allah has made a means of support for you" [an-Nisa' 5]. This amounts to saying that wealth is to be distributed to meet the basic needs of food, clothing, lodging, and other indispensables, and that no one is to be lost, forgotten, or left without support. The best way to distribute wealth so that everyone's basic needs are met is through zakah. It does not place any burden on the wealthy yet at the same time it meets the basic needs of the poor and relieves them of the hardships of life and the pain of deprivation. Zakah is not a favor (minnah) that the wealthy bestow upon the poor; rather, it is a due (haqq) that Allah entrusted in the hands of the rich to deliver to the poor and distribute among the deserving. Thus, the eminent truth about wealth and property is established--that is, wealth is not exclusively for the rich but for both the rich and the poor. This becomes obvious because of Allah's judgment concerning the distribution of booty (fay'). Allah warns: ". . . that it does not become a commodity taken by turns among the rich of you" [al-Hashr 7]. This means it is an apportionment of wealth between the rich and the poor, not something restricted to the wealthy. Zakah is an obligation due on the property of those able to pay and is to be used to meet the basic needs of the poor and the needy so that they could be kept away from hunger and they could be given a sense of security and general well-being. If the amount of zakah is not enough to alleviate the conditions of the poor and the needy, then the rich can be subjected to further taxation. How much should be taken is not specified. Its quantity will be determined by the needs of the poor.

In his interpretation of alBaqarah 177, al-Qurtubi says: "The saying of Allah, the Exalted One: 'And to spend of your wealth out of love for Him' gives credence to those who maintain that there is a due on wealth other than zakah known as mal addir." Others hold that the preceding 'ayah alludes to the obligatory zakah. According to ad-Daraqutni's report from Fatimah bint Qais, the first view is more convincing. She relates: "Indeed, there is a due on one's holdings other than the prescribed zakah." Then he recited the following Qur'anic verse: "It is not righteousness that you turn your faces to the East or to the West, but it is to believe in Allah, the Last Day, the Angels, the Book, the Messengers, and to spend of your wealth out of love for Him on your kin, orphans, the needy, the wayfarer, or those who ask, and on the ransom of slaves..." [al-Baqarah 177]. Ibn Majah mentioned it in his Sunan and at-Tirmizhi in his Jami'. The latter says that Ibn Majah's has a different chain of narrators than his. Besides, Abu Hamzah and Maymun al-'A'war consider Ibn Majah's chain of narrator not credible. This hadith is related by Bayan and Isma'il ibn Salim from ash-Shu'bi, who said that it is sound.

The latter says: "If there is a question about its authenticity, it is rendered clear by the context of the 'ayah [al-Baqarah 177]. In this statement: '... to be steadfast in prayer, and to give zakah,' Allah mentions zakah with salah, which substantiates the fact that 'to spend of your property out of love for

Him' does not refer to obligatory zakah, for that would be redundant in the 'ayah--and Allah knows best."

The scholars agree that should a need arise, even when zakah has been paid, the Muslim community is bound to contribute toward the alleviation of the problem.

Malik says: "It is obligatory for the people to ransom those taken as prisoners of war, even if doing so consumes all their property. The consensus on this subject strengthens our view, and we seek success only through Allah." According to al-Manar, the 'ayah "... and to spend your property out of love for Him . . ." [alBaqarah 177] means that one should give the property for the sake of Allah or for the love of giving it.

Imam Muhammad 'Abduh's comments are: "The giving of property in excess of the due zakah is considered one of the basic elements of piety (birr) and is enjoined like the prescribed zakah."

Whenever the exigency calls for it, sadaqah other than zakah is given. That could be before the completion of the year (hawl) or after the payment of zakah. The contribution is not based on a specific amount of nisab but on the ability to give. Thus, if someone possesses only a loaf of bread and sees a person who is more hard-pressed than himself, he should give it to that person. The hard-pressed person is not the only one who has a right to be satisfied, but Allah has also ordered the believers to give non-prescribed sadaqat to the following: kin, orphans, needy, wayfarers, beggars, and slaves.

### Fiqh 3.92: Kin (zhawi al-Qurba), recipients of sadaqah

The kin are considered the most deserving people for the sadaqah gift because of the common blood relationship. When a man is in need and some of his relatives are rich, naturally he looks to them for help because they are of one family. Also, it is natural for a man to feel more sympathy and pain with his hard-pressed and needy relatives than with strangers. He is humiliated by their degradation and elevated by their honor. Therefore, any well-to-do person who cuts off his kin from assistance and lives in luxury while his relatives are in a state of misery is devoid of natural feeling or lacks belief and is far away from goodness or piety. On the other hand, for one who maintains close links with his kin, his sustenance is assured and his relationship is of beneficence to his kin.

### Fiqh 3.92 a: Orphans (wal-yatama), recipients of sadaqah

In the case of orphans whose guardians have died, their support and upbringing depends on wealthy and well to-do Muslims so that they will not become a problem to themselves or other people.

### Fiqh 3.92 b: The Needy (wal-masakin), recipients of sadaqah

Because they are unable to earn enough to maintain themselves and have become contented with the little they have and abstain from begging, it is necessary for the well-to-do to help them.

### Fiqh 3.93: Wayfarere (wab nisabil), recipients of sadaqah

In the case of the wayfarer cut off from family and relatives, as if traveling were his household, consideration requires kindness for him as well. Thus, to sympathize with him and help him in his travels is, within the meaning of Islamic law, an encouragement which invites one to journey throughout the earth.

### Fiqh 3.93 a: Beggars (was-sa'ilin), recipients of sadaqah

In the case of beggars forced to ask people for their needs, they should be helped. A person may also ask for help in order to redress another's need. However, the shari'ah does not approve of begging, except under dire circumstances. Even then, one should not trespass limits.

## Fiqh 3.93 b: Slaves (wa fi ar-riqab), recipients of sadaqah

The liberation of slaves includes buying and setting them free, helping contracted slaves (al-mukatabun) pay off their debts, and helping captives buy their way out of captivity. By encouraging people to spend out of their wealth on slaves, the shari 'ah wants to emancipate the latter. Still, as important as the emancipation of slaves is, in terms of priorities, it is placed at the end, after the orphans, the needy, the wayfarer, and the beggar, the reason being that the former fall under the need for preserving life (which has a higher value), while the latter falls under the right to freedom (a lesser value than life).

## Fiqh 3.93 c: Sadaqah other then Zakat

The legitimacy of giving sadaqah other than that of zakah is not restricted by a time limit or definite nisab. The amount designated for expenditure need not be a certain percentage (for example, a tithe, a one-quarter tithe, or a one-tenth tithe). It is an open-ended matter that is left to the beneficence, generosity, and condition of the one who gives. The protection of a revered (muhtaram) man from destruction and harm is an obligation upon whoever can help him, but more than that, it is left unquantified.

People overlook most of the public rights which the Qur'an supports, for these rights seek to establish an honorable and just social life. People spend only a small amount on the needy and even less for beggars because they are considered the least deserving nowadays. This is due to the fact that beggars have made begging a profession (hirfah), even though most of them are well-to-do.

Ibn Hazm says: "It is enjoined upon the rich of every country to support their poor, and the ruler has the authority to force them to do so. This is called for when the pre~,cribed zakah or the holdings of other Muslims are not enough to meet the needs of the poor. In that case, their food and their clothing to protect them from the elements and the eyes of the passer-by would be provided by the rich." The proof for this is in the saying of Allah, the Exalted One: "Give the kinsman his due, and the needy, and the wayfarer" [al-Isra' 26]. Allah also says: "[Show] kindness to parents, to near kin and orphans, to the needy, to relatives, to neighbors who are not related to you, to fellow travelers and wayfarers, and [to the slaves] whom your right hand possesses" [an-Nisa' 36]. Generosity urges support for the above-mentioned people and forbids harming them. Referring to the guilty in the life to come, the Qur'an says that they would ask each other: "What brought you to this hellfire?" They will answer: "We were not of those who prayed, nor did we feed the needy" [al-Muddaththir 42-44]. Thus, Allah links feeding the needy with performing prayers. According to the following hadith, related by authentic sources, the Messenger of Allah, upon whom be peace, said: "He who does not have mercy upon people, Allah's mercy will be kept from him." Anyone upon whom Allah bestowed His grace and who sees his Muslim brother hungry, in need of clothes, and miserable, and still does not help him, he will, indeed, deprive himself of Allah's mercy.

'Uthman an-Nahdi reported that 'Abdurrahman ibn Abi Bakr as-Siddiq informed him that the companions of as-Saffah were poor and that the Messenger of Allah, upon whom be peace, said: "He who has enough food for two, let him invite a third, and he who has food for four, let him invite a fifth or a sixth."

It is related from Ibn 'Umar that the Messenger of Allah, upon whom be peace, said: "A Muslim is a brother of another, and he should neither do injustice to him nor betray him." Thus, anyone who lets a needy Muslim go without food or clothes while, in fact, he is able to feed and clothe him would have betrayed him. It is related from Abu Sa'id al-Khudri that the Messenger of Allah, upon whom be peace, said: "He whose holdings exceed his needs, let him support the one whose holdings do not, and he whose food exceeds his needs, let him share it with him who does not have food." Abu Sa'id al-Khudri says: "Then he mentioned so many kinds of property that we thought no one of us had the right to have anything surplus with us." This is the consensus of the companions, as it was reported by Abu Sa'id alKhudri. Concerning this tradition, it is reported on the authority of Abu Musa al-Ash'ari that the Prophet, upon whom be peace, said: "Feed the hungry, visit the sick, and ransom the prisoner."

There are many 'ayahs in the Qur'an and numerous sound hadith on this subject. 'Umar says: "If I were to live again the past which I have already lived, I would take the surplus from the rich and distribute it among the poor immigrants (mujhajirun)." This is considered to be the most authentic report.

'Ali said: "Allah, the Exalted One, has placed a due upon the properties of the rich to meet the needs of the poor. Thus, if the poor go hungry or naked or struggle because of the neglect of the rich, then Allah will hold them [the rich] accountable on the Day of Judgment and will punish them."

Ibn 'Umar is reported to have said: "There is a due on your property other than zakah." It is related from 'Aishah (the mother of the believers), al-Hasan ibn 'Ali, Ibn 'Umar that all of them replied to those who had asked them: "If you are asked for help in cases of blood money, heavy debt, or desperate poverty, then it is a must for you to give them from your holdings."

It was accurately reported by Abu 'Ubaidah ibn al-Jarrah and 300 companions that (once) when their provisions had run very low, Abu 'Ubaidah ordered them to collect what was left and place it into two bags and then allot it to each one equally. Then he said: "It is not permissible for a hard-pressed Muslim to eat the meat of a dead animal or a pig when he can find surplus food from either a Muslim or a zhimmi. It is an obligation of the one who has food to feed the hungry." This has the consensus among the companions, and there are no contrary views concerning it. It was accurately reported from ashShu'bi, Mujahid, Tawus, and others that: "There is a due on property other than zakah." If such is the case, then a hard-pressed person is not forced to eat the meat of dead animals or pigs. He has the right to fight for it and, if he is killed, then retaliation by killing (qawad) will be imposed upon the killer. If the property holder who prevents him from receiving his due is killed, then may he have the curse of Allah upon him because he withheld a right (haqq), and he will be regarded as being among the unjust.

Allah, the Exalted One, says: "And if one party of them does wrong to the other, fight those who do wrong until they return to the ordinance of Allah." Thus, one who withholds a right is an oppressor of his brother. The latter is the possessor of that right. On this basis, Abu Bakr as-Siddiq waged war against those who refused to pay their zakah.

From the preceding, one can see the degree of compassion and commiseration that Islam has for the deprived. Islam, in fact, excels over all other faiths and systems. They are like weak, sputtering candles when placed next to the bright and steady light of the sun of Islam.

## Fiqh 3.97: Zakat ut-Tatawwu or Voluntary Sadaqah

Islam calls upon the individual to spend freely in ways that please the heart of the donor, and evoke generosity, goodness, reverence, and obedience to Allah:

### Fiqh 3.97 a: Zakat ut-Tatawwu or Voluntary Sadaqah in the Qur'an

Allah, the Exalted One, says: "The parable of those who spend their wealth in the way of Allah is that of a grain of corn: it grows seven ears, and each ear has a hundred grains. Allah gives manifold increase to whom He pleases; Allah cares for all and knows all things" [al-Baqarah 261].

"By no means shall you attain righteousness unless you give freely of that which you love, and whatever you give, Allah knows it well" [al'Imran 92].

"And spend from what We have made you heir. For those of you who believe and spend, for them is a great reward" [alHadid 7].

### Fiqh 3.97 b: Zakat ut-Tatawwu or Voluntary Sadaqah in the Hadith

The Messenger of Allah, upon whom be peace, said: "Sadaqah appeases the anger of the Lord and wards off the agony of death."

It is similarly related that the Messenger of Allah, upon whom be peace, said: "The sadaqah of the Muslim increases during his lifetime. It also softens the agony of death, and through it, Allah takes away arrogance and vanity."

The Messenger of Allah, upon whom be peace, said: "There is not a day in which the obedient servants rise in the morning or two angels descend, and one of them says: 'O Allah! Compensate the one who spends freely.' The other angel says: 'O Allah! Let an annihilation come upon the one who is niggardly.' " This is related by Muslim.

The Messenger of Allah, upon whom be peace, said: "Acts of kindness protect one from ruin wrought by evil. Sadaqah given secretly appeases the anger of the Lord, and a gift to strengthen the ties of relationship increases one's life span. All good deeds are sadaqah, and those who do acts of kindness in this world are also the same people in the other world. Those who do misdeeds in this world are the same people in the other world. The first of those who shall enter Paradise are the people who do acts of kindness." This is related by at-Tabarani in al'Awsat. Manzhiri does not mention it.

## Fiqh 3.98: Types of Sadaqah

Sadaqah is not restricted to any special deed of righteousness. The general rule is that all good deeds are sadaqah. Some of them are as follows:

The Messenger of Allah, upon whom be peace, said: "Every Muslim has to give sadaqah." The people asked: "O Prophet of Allah, what about the one who has nothing?" He said: "He should work with his hands to give sadaqah." They asked: "If he cannot find [work]?" He replied: "He should help the needy who asks for help." They asked: "If he cannot do that?" He replied: "He should then do good deeds and shun evil, for this will be taken as sadaqah." This is related by al-Bukhari and others.

The Messenger of Allah, upon whom be peace, said: "Sadaqah is prescribed for every person every day the sun rises. To administer justice between two people is sadaqah. To assist a man upon his mount so that he may ride it is sadaqah. To place his luggage on the animal is sadaqah. To remove harm from the road is sadaqah. A good word is sadaqah. Each step taken toward prayer is sadaqah." This is related by Ahmad and others.

Abu Zhar al-Ghafari said: "The Messenger of Allah, upon whom be peace, said: 'Sadaqah is for every person every day the sun rises.' I said: 'O Messenger of Allah, upon whom be peace, from what do we give sadaqah if we do not possess property?' He said: 'The doors of sadaqah are takbir [i.e., to say: Allahu-akbar, Allah is Great]; Subhan-Allah [Allah is free from imperfection]; Alhamdulillah [all praise is for Allah]; La -ilaha-illallah [there is no god other than Allah]; Astaghfirul-lah [I seek forgiveness from Allah]; enjoining good; forbidding evil; removing thorns, bones, and stones from the paths of people; guiding the blind; listening to the deaf and dumb until you understand them; guiding a person to his object of need if you know where it is; hurrying with the strength of your legs to one in sorrow who is appealing for help; and supporting the weak with the strength of your arms. These are all the doors of sadaqah. [The sadaqah] from you is prescribed for you, and there is a reward for you [even] in sex with your wife.' " This is related by Ahmad, and the wording is his. According to Muslim, they said: "O Messenger of Allah, upon whom be peace, is there a reward if one satisfies his passion?" He said: "Do you know that if he satisfies it unlawfully he has taken a sin upon himself? Likewise, if he satisfies it lawfully, he is rewarded."

It is related following Abu Zhar that the Messenger of Allah, upon whom be peace, said: "Sadaqah is prescribed for each descendant of Adam every day the sun rises." It was asked: "O Messenger of Allah, upon whom be peace, from what do we give sadaqah every day?" He said: "The doors of goodness are many--the tasbih [to say 'Subhaan-Allah'], the tamhid [to say 'Alhamdu lillah'], the tahlil [to say 'La-ilaha-illallah], enjoining good, forbidding evil, removing harm from the road, listening to the deaf, leading the blind, guiding one to the object of his need, hurrying with the strength of one's legs to one in sorrow who is asking for help, and supporting the feeble with the strength of one's arms--all of these are sadaqah prescribed for you." This is related by Ibn Hibban in his Sahih. Al-Bukhari related it in a shortened form and added in his report: "Your smile for your brother is sadaqah. Your removal of

stones, thorns, or bones from the paths of people is sadaqah. Your guidance of a person who is lost is sadaqah."

The Messenger of Allah also said: "He from among you who is able to protect himself from the Fire should give sadaqah, even if but with half a date. If he does not find it, then with a good word."

The Messenger of Allah, upon whom be peace, said: "Allah, the Majestic and Mighty, shall say on the Day of Judgment: 'O son of man! I was ill and you did not visit me.' He will reply: 'O my Lord! How could I visit You and You are the Lord of the Worlds?' Allah shall say: 'Did you not know that My slave, so-and-so, was ill and you did not visit him? If you had visited him, you would have found Me with him. O son of man! I asked you for food and you did not give it to me.' He will reply: 'O my Lord! How could I give You food--You are the Lord of the Worlds?' Allah shall say: 'Did you not know that My slave, so-and-so, asked you for food and you did not give it to him? Did you not know that if you had given the food, you would have found that with Me? O son of man! I asked you to quench My thirst and you did not.' He will say: 'O my Lord! How could I quench Your thirst--You are the Lord of the Worlds?' Allah shall say: 'My slave, so-and-so, asked you to quench his thirst and you did not. If you had given him to drink, you would have found that with Me.' " This is related by Muslim.

The Messenger of Allah, upon whom be peace, said: "A Muslim does not plant or sow anything from which a person, an animal, or anything eats but it is considered as sadaqah from him." This is related by al-Bukhari.

The Messenger of Allah, upon whom be peace, said: "Every good deed is sadaqah. To meet your brother with a smiling face and to pour out from your bucket into his container are sadaqah."

## Fiqh 3.100: Those Who Have Precedence for Receiving Sadaqah

One's children, family, and relatives have precedence over others. It is not permissible to give sadaqah to a stranger when you and your dependents are in need of it.

It is related from Jabir that the Messenger of Allah, upon whom be peace, said: "When one of you is poor, he starts with himself. If anything is left, he spends it on his dependents. If anything is (still left) then on his relatives, and then, if more is left, he spends it here and there."

The Messenger of Allah, upon whom be peace, said: "Give sadaqah." A man said: "I have a dinar." He replied: "Give it to yourself as sadaqah." He said: "I have another dinar." He replied: "Give it to your wife as sadaqah." He said: "I have another dinar." He replied: "Give it to your child as sadaqah." He said: "I have another dinar." He replied: "Give it to your servant as sadaqah." He said: "I have another dinar." He replied: "You would be able to assess better [to whom to give it]." This is related by Abu Dawud, an-Nasa'i, and Hakim. Hakim grades it as authentic.

The Messenger of Allah, upon whom be peace, said: "A man has sinned enough if he neglects to feed those in need." This is related by Muslim and Abu Dawud.

Also: "The most excellent sadaqah is that given to a relative who does not like you." This is related by at-Tabarani and Hakim. The latter grades it authentic.

## Fiqh 3.101: The Invalidation of Sadaqah

It is unlawful for the one giving sadaqah to remind the recipient of his generosity, to reproach bim, or to make a show with his sadaqah. Allah warns: "O you who believe! Do not invalidate your sadaqah by reminders of your generosity or by injury, like those who spend their property to be seen by men" [al-Baqarah 264].

The Messenger of Allah, upon whom be peace, said: "There are three [types of people]. Allah shall not

speak to them, notice them, or sanctify them; and for them is a grievous penalty." Abu Zhar inquired: "O Messenger of Allah, who are the ones gone wrong and astray?" He replied: "Those who through conceit lengthen their garments to make them hang on the ground, who give nothing without reproach, and who sell their merchandise swearing untruthfully [to its quality]."

## Fiqh 3.101 a: Giving What is Unlawful as Sadaqah

Allah does not accept sadaqah if it is from what is unlawful: The Messenger of Allah, upon whom be peace, said: "O people! Allah is good and accepts only good, and He has instructed the believers through the Messengers. Allah, the Mighty and the Majestic, says: 'O Messengers! Consume what is good and work righteously. I am well-acquainted with what you do' [al-Mu'minum 51]." He also calls upon [you]: 'O you who believe! Consume of the good that We have provided for you' [al-Baqarah 172]. Then [the Messenger] mentioned a man who had traveled for a long time. Unkempt and covered in dust, he raised his hands to the heavens (and cried): 'O my Lord! O my Lord!' His food was unlawful, his drink was unlawful, his clothing was unlawful, and what he had provided to sustain himself with was also unlawful. How could his invocation be accepted?" This is related by Muslim.

Also: "If one gives a date bought from honestly earned money (and Allah accepts only good), Allah accepts it in His right hand and enlarges [its rewards] for its owner (as one rears his foal) until it becomes as big as a mountain." This is related by al-Bukhari.

## Fiqh 3.102: Sadaqah of the wife from the property of her husband

It is permissible for the wife to give sadaqah from her husband's holdings if she knows that he would not mind. However, it is unlawful if she is not sure of this: It is related from 'Aishah that the Messenger of Allah, upon whom be peace, said: "When a wife gives something as sadaqah from the food of her home without causing any waste, she will get the reward for what she has given. Her husband will be rewarded for what he has earned, and the keeper (if any) will be similarly rewarded. The one does not reduce the reward of the other in any way." This is related by al-Bukhari.

Abu Umamah reports that he had heard the Messenger of Allah, upon whom be peace, saying in a sermon during the year of the Farewell Pilgrimage: "The wife should not spend anything from the household of her husband without his permission." He asked: "O Messenger of Allah, upon whom be peace! Not food either?" He said: "That is the most excellent of our holdings." This is related by at-Tirmizhi who graded it hassan.

Of small things which she is in the habit of giving, no permission from her husband is called for: It is related from Asma, daughter of Abu Bakr, that she said to the Messenger of Allah, upon whom be peace: "Zubair is a well-off man. A man in need approached me and I gave him sadaqah from my husband's household without his permission." The Messenger of Allah, upon whom be peace, said: "Give what you are in the habit of giving of what is small, and do not store property away, for Allah shall withhold his blessings from you." This is related by Ahmad, al-Bukhari, and Muslim.

## Fiqh 3.102 b: Permissibility of Giving Sadaqah of All One's Property

For one who is fit and capable of earning his living, giving sadaqah of all his property is permissible.

'Umar reports: "The Messenger of Allah, upon whom be peace, instructed us to give sadaqah, and it applied to my property. I said: 'Today I shall better Abu Bakr. I have never bettered him.' Then I brought half my property. The Messenger of Allah, upon whom be peace, said: 'What did you leave for your family?' I said: 'An amount like this.' Abu Bakr came with all his property, and the Messenger of Allah, upon whom be peace, asked: 'What did you leave for your family?' He said: 'I have left Allah and His Messenger, upon whom be peace, for them.' Then I said: 'I shall never better you in anything.'" This is related by Abu Dawud and atTirmizhi. The latter grades it authentic.

## Fiqh 3.103: Giving all of one's property in sadaqah

The jurists say that giving all of one's property in sadaqah is permissible provided the donor is fit, earning, and steadfast, not in debt, nor has dependents for whom adequate support from him is obligatory. If he does not fulfil these conditions, then his action is makruh.

Jabir narrated: "While we were with the Messenger of Allah, upon whom be peace, a man came with what was like an egg of gold. He said: 'O Messenger of Allah! I obtained this from buried treasure, so take it. It is sadaqah, and I do not possess anything other than it.' The Messenger of Allah, upon whom be peace, turned away from him and he [the man] then approached him from the direction of his left side. The Messenger of Allah, upon whom be peace, then turned away from him again and he approached him from behind. Then the Messenger of Allah, upon whom be peace, took it and threw it at him. If it had hit him, it would have injured him. Then he said: 'One of you comes with all his property to make sadaqah, then after [giving all he had] he sits [by the road] begging from the people. Sadaqah is given by the one who is rich.' " This is related by Abu Dawud and Hakim. The latter said: "It is authentic according to the stipulation of Muslim. In its transcription is Muhammad ibn Ishaq."

### Fiqh 3.103 a: Giving Sadaqah to the Zhimmi and the Soldier

One can give sadaqah to the zhimmi and the soldier, and one is rewarded for that. Allah praised a group of people (for this) when He said: "And they feed, for His love, the indigent, orphan, and captive" [ad-Dahr 6]. The captive is a soldier. Allah says: "Allah has not forbidden you with regard to those who have not made war against you on account of [your] faith and have not driven you out of your homes to deal kindly and justly with them; Allah loves those who are just" [al-Mumtahanah 8].

Asma, the daughter of Abu Bakr, reports: "My mother came to me and she is a polytheist. I said: 'O Messenger of Allah, upon whom be peace! If my mother came to me and she is willing, do I establish a link with her?' He said: 'Yes, establish a link with your mother.' "

### Fiqh 3.104: Sadaqah on Animals

The Messenger of Allah, upon whom be peace, is reported to have said: "While a man was walking along a road, he became very thirsty and found a well. He lowered himself into the well, drank, and came out. Then [he saw] a dog protruding its tongue out with thirst. The man said: 'This dog has become exhausted from thirst in the same way as I.' He lowered himself into the well again and filled his shoe with water. Then he took the dog by the mouth until he had raised himself. He gave the dog some water to drink. He thanked Allah, and [his sins were] forgiven." They asked: "O Messenger of Allah, upon whom be peace! Is there a reward for us in our animals?" He said: "There is a reward in every living thing." This is related by al-Bukhari and Muslim.

The two also related that the Messenger of Allah, upon whom be peace, said: "While a dog was walking around a well, his thirst was near to killing him. One of the prostitutes of the Banu Isra'il saw him. She took off her shoe and drew water for him with it in order to quench his thirst. [For that] she was forgiven [by Allah]."

### Fiqh 3.104 a: Perpetual sadaqah

The perpetual sadaqah (sadaqat ul-jariyah): Ahmad and Muslim relate that the Messenger of Allah, upon whom be peace, said: "When a person dies [the benefit] of his deeds ends, except three: a continuous sadaqah, knowledge from which benefit is derived, or a pious child invoking Allah for him."

### Fiqh 3.104 b: Thanking for a Good Deed

'Abdullah ibn 'Umar reports that the Messenger of Allah, upon whom be peace, said: "Whoever seeks the protection of Allah, give him protection. Whoever asks you in the name of Allah, grant him refuge. Whoever does a good deed to you, reward him and if you do not find anything, invoke Allah on his behalf until you know that he has been rewarded." This is related by Abu Dawud and an-Nasa'i with an authentic chain.

Ashab ibn Qais reported that the Messenger of Allah, upon whom be peace, is reported to have said: "Whoever does not thank people, does not thank Allah." This is related by Ahmad with a trustworthy chain.

Usamah ibn Zaid adds that the Messenger of Allah, upon whom be peace, said: "To whom a good deed is done and who says to its doer: 'May Allah reward you with goodness,' also reaps the reward." This is related by at-Tirmizhi.

Allah is the Most Knowing, and all praise is due to the Lord of the Worlds.

## Fiqh 3.107: Fasting (As-siyam)

As-Siyam generally means "to abstain from something." For example, a verse in the Qur'an says: "I have vowed to the Merciful to abstain--that is, from speaking.

What is meant here is abstaining from food, drink, and sexual intercourse from dawn until sunset with the explicit intention of doing so (for the sake of Allah).

## Fiqh 3.107 a: The Virtues of Fasting

Abu Hurairah reported the Messenger of Allah, upon whom be peace, saying: "Allah said: 'Every action of the son of Adam is for him except fasting, for that is solely for Me. I give the reward for it.' The fast is a shield. If one is fasting, he should not use foul language, raise his voice, or behave foolishly. If someone reviles him or fights with him he should say, 'I am fasting,' twice. By the One in whose hand is the soul of Muhammad, the [bad] breath of the one who is fasting is better in the sight of Allah on the Day of Resurrection than the smell of musk. The one who is fasting is happy at two times: when he breaks his fast he is happy with it, and when he meets his Lord he will be happy that he has fasted." This is related by Ahmad, Muslim, and an-Nasa'i. A similar version was recorded by al-Bukhari and Abu Dawud, but with the following addition: "He leaves his food, drink, and desires for My sake. His fasting is for Me... I will give the reward for it, and for every good deed, he will receive ten similar to it."

'Abdullah ibn 'Amr reported that the Messenger of Allah, upon whom be peace, said: "The fast and the Qur'an are two intercessors for the servant of Allah on the Day of Resurrection. The fast will say: 'O Lord, I prevented him from his food and desires during the day. Let me intercede for him.' The Qur'an will say: 'I prevented him from sleeping at night. Let me intercede for him.' And their intercession will be accepted." Ahmad related this hadith with a sahih chain.

Abu Umamah reported: "I came to the Messenger of Allah and said: 'Order me to do a deed that will allow me to enter Paradise.' He said: 'Stick to fasting, as there is no equivalent to it.' Then I came to him again and he said: 'Stick to fasting."' This hadith is related by Ahmad, an-Nasa'i, and al-Hakim who classified it as sahih.

Abu Sa'id al-Khudri reported that the Messenger of Allah said: "No servant fasts on a day in the path of Allah except that Allah removes the hellfire seventy years further away from his face." This is related by "the group," except for Abu Dawud.

Sahl ibn Sa'd reported that the Prophet said: "There is a gate to Paradise that is called ar-Rayyan. On the Day of Resurrection it will say: 'Where are those who fasted?' When the last [one] has passed through the gate, it will be locked." This is related by alBukhari and Muslim.

## Fiqh 3.108: Types of Fasting

There are two types of fasting: obligatory and voluntary. Obligatory can be further subdivided into the fast of Ramadan, the fast of expiation and the fast of fulfilling a vow. Here we shall discuss the Ramadan and voluntary fasts.

## Fiqh 3.108 a: The Fast of Ramadan

The fast of Ramadan, according to the Qur'an, sunnah and consensus, is obligatory.

The evidence from the Qur'an consists of the following two verses: "O you who believe, fasting is prescribed for you as it was prescribed for the people before you in order for you to gain God consciousness, and, "...The month of Ramadan, during which the Qur'an was revealed, a guidance for mankind, and clear proofs of the guidance and the criterion; and whoever of you is resident, let him fast the month" [al-Baqarah 185].

From the sunnah we have the following statements of the Prophet: "Islam is built upon [the following] five pillars: testifying that there is no God except Allah and that Muhammad is His Messenger, the establishment of the prayer, the giving of zakah, the fast of Ramadan and the pilgrimage to Makkah." Talhah ibn 'Ubaidullah reported that a man came to the Prophet and said: "O Messenger of Allah, tell me what Allah requires of me as regards fasting." He answered, "The month of Ramadan." The man asked: "Is there any other [fast]?" The Prophet answered: "No, unless you do so voluntarily."

The whole Muslim nation agrees that the fast of Ramadan is obligatory. It is one of the pillars of Islam, and if one disputes this, he cannot be called a Muslim.l

## Fiqh 3.109: The Virtues of Ramadan and the Deeds Done During It

Abu Hurairah reported that the Prophet, upon whom be peace, said: "The blessed month has come to you. Allah has made fasting during it obligatory upon you. During it, the gates to Paradise are opened and the gates to hellfire are locked, and the devils are chained. There is a night [during this month] which is better than a thousand months. Whoever is deprived of its good is really deprived [of something great]." This is related by Ahmad, an-Nasa'i, and al-Baihaqi.

'Arfajah testifies to this: "We were with 'Utbah ibn Farqad while he was discussing Ramadan. A companion of the Prophet entered upon the scene. When 'Utbah saw him, he became shy and stopped talking. The man [the companion] spoke about Ramadan, saying: 'I heard the Messenger of Allah say during Ramadan: "The gates of Hell are closed, the gates of Paradise are opened, and the devils are in chains. An angel calls out: 'O you who intend to do good deeds, have glad tidings. O you who intend to do evil, refrain, until Ramadan is completed.'"

Muslim relates that Abu Hurairah reported the Prophet saying: "The time between the five prayers, two consecutive Friday prayers, and two consecutive Ramadans are expiations for all that has happened during that period, provided that one has avoided the grave sins."

Abu Sa'id al-Khudri reported that the Prophet, upon whom be peace, said: "Whoever fasts the month of Ramadan, obeying all of its limitations and guarding himself against what is forbidden, has in fact atoned for any sins he committed before it." Ahmad and alBaihaqi related this hadith with a good chain.

Abu Hurairah reported that the Prophet, upon whom be peace, said: "Whoever fasts the month of Ramadan with faith and seeks Allah's pleasure and reward will have his previous sins forgiven." This hadith is related by Ahmad and the compilers of the sunan.

## Fiqh 3.110: The Consequence of Breaking the Fast of Ramadan

Ibn 'Abbas reported that the Prophet said: "The bare essence of Islam and the basics of the religion are three [acts], upon which Islam has been established. Whoever leaves one of them becomes an unbeliever and his blood may legally be spilled. [The acts are:] Testifying that there is no God except Allah, the obligatory prayers, and the fast of Ramadan." This hadith is related by Abu Ya'la and ad-Dailimi. Azh-Zhahabi called it sahih.

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said: "Whoever breaks his fast during Ramadan without having one of the excuses that Allah would excuse him for, then even a perpetual fast, if he were to fast it, would not make up for that day." This is related by Abu Dawud, Ibn Majah, and atTirmizhi.

Al-Bukhari records from Abu Hurairah in marfu' form: "Whoever breaks the fast of Ramadan without having a legitimate excuse or being ill, he cannot make up for that day, even if he were to undertake a perpetual fast." Ibn Mas'ud has also reported this.

Azh-Zhahabi says: "According to the established believers, anyone who leaves the fast of Ramadan without being sick is worse than a fomicator or an alcoholic. In fact, they doubt his Islam and they suspect that he might be a zandiqah and one of those who destroy [Islam].

### Fiqh 3.111: The Arrival of Ramadan

This event is confirmed by sighting the new moon, even if it is seen by only one just person, or by the passage of thirty days in the immediately preceding month of Sha'ban.

Ibn 'Umar said: "The people were looking for the new moon and when I reported to the Messenger of Allah that I had seen it, he fasted and ordered the people to fast." This is related by Abu Dawud, al-Hakim, and Ibn Hibban, who declared it to be sahih.

Abu Hurairah reported that the Prophet instructed: "Fast after you have seen it [the new crescent] and end the fast [at the end of the month] when you see it. If it is hidden from you, then wait until the thirty days of Sha'ban have passed." This is related by al-Bukhari and Muslim.

Commenting on these reports, at-Tirmizhi states: "Most knowledgeable people act in accordance with these reports. They say that it is correct to accept the evidence of one person to determine the beginning of the fast. This is the opinion of Ibn alMubarak, ash-Shaf'i, and Ahmad. An-Nawawi says that it is the soundest opinion. Conceming the new moon of Shawwal [which signifies the end of the fast], it is confimmed by completing thirty days of Ramadan, and most jurists state that the new moon must have been reported by at least two just witnesses. However, Abu Thaur does not distinguish between the new moon of Shawwal and the new moon of Ramadan. In both cases, he accepts the evidence of only one just witness."

Ibn-Rushd comments that: "The opionion of Abu Bakr ibn alMunzhir, which is also that of Abu Thaur and, I suspect, that of the Zhahiri school of thought, is supported by the following argument given by Abu Bakr al-Munzhiri: there is complete agreement that breaking the fast is obligatory, that abstaining from eating is based on one person's report, and that the situation must be like that for the beginning of the month and for the ending of the month, as both of them are simply the signs that differentiate the time of fasting from the time of not fasting."

Ash-Shaukani observes: "If there is nothing authentic recorded that states that one may only accept two witnesses for the end of the month, then it is apparent, by analogy, that one witness is sufficient, as it is sufficient for the beginning of the month. Furthemmore, worship based on the acceptance of one report points to the fact that such singular reports are accepted in every matter unless there is some evidence that specifies the peculiarity of specific cases, such as the number of witnesses conceming matters of wealth, and so on. Apparently this is the opinion of Abu Thaur."

### Fiqh 3.112: Different Locations

According to the majority of scholars, it does not matter if the new moon has been sighted in a different location. In other words, after the new moon is seen anywhere in the world, it becomes obligatory for all Muslims to begin fasting, as the Prophet said: "Fast due to its sighting and break the fast due to its sighting." This hadith is a general address directed to the whole Muslim world - that is, "if any one of you sees the moon in any place, then that will be a sighting for all of the people."

According to 'Ikrimah, al-Qasim ibn Muhammad, Salim, Ishaq, the correct opinion among the Hanafiyyah, and the chosen opinion among the Shaf'iyyah, every "country" (or territory) is to take into consideration its own sighting and not necessarily to follow the sighting of others. This is based on what Kuraib said: "While I was in ash-Sham, the new moon of Ramadan appeared on Thursday night. I retumed to Madinah at the end of the month. There, Ibn 'Abbas asked me: 'When did you people see the new moon?' I said: 'We saw it on Thursday night.' He said: 'Did you see it yourself?' I said: 'Yes, the people saw it, and they and Mu'awiyyyah fasted.' He said: 'But we saw it on Friday night. We will not stop fasting until we complete thirty days or until we see the new moon.' I said: 'Isn't Mu'awiyyah's sighting and fasting sufficient for you?' He said: 'No . . . This is the order of the Messenger of Allah.' " This is related by Ahmad, Muslim, and at-Tirmizhi.

About the hadith, at-Timmizhi says: "It is hassan sahih ghareeb. Scholars act in accordance with this hadith. Every land has its sighting." In Fath al-'Alam Sharh Bulugh al-Maram, it is stated: The [opinion] closest [to the truth] is that each land follows its sighting, as well as the areas that are connected to it."

## Fiqh 3.113: Sighting of the Crescent by one Person

The scholars of fiqh agree that if only one person sees the new moon, he is to fast. 'Ata differs and says that he is not to fast until someone else also sights the new moon with him. The correct position is that he is to break the fast, as ash-Shaf'i and Abu Thaur have ruled. The Prophet has based the fast and its breaking on the sighting of the moon. One's own sight is enough for him and there is no need for another person's sighting.

## Fiqh 3.113 a: The Essential Elements of the Fast

The fast has two essential elements (literally, "pillars") that must be fulfilled for it to be valid and acceptable. They are:

## Fiqh 3.113 b: Essential elements of fasting, abstaining from acts that break the fast

This point is based on the Qur'anic verse: "Eat and drink until the white thread becomes distinct to you from the black thread of the dawn. Then strictly observe the fast until nightfall."

This is also based on the following hadith: "When the verse 'Eat and drink until the white thread becomes distinct to you...' was revealed, I took a black thread and a white thread and placed them underneath my pillow. During the night I looked at them to see if I could distinguish between them. In the morning I went to the Messenger of Allah and mentioned that to him and he said: 'It is the black of the night and the white of the day.'"

## Fiqh 3.113 c: Essential elements of fasting, the intention

Allah instructs in the Qur'an: "And they are ordained nothing else than to serve Allah, keeping religion pure for Him." The Prophet, upon whom be peace, said: "Actions are judged according to the intention behind them, and for everyone is what he intended."

The intention must be made before fajr and during every night of Ramadan. This point is based on the hadith of Hafsah which reported that the Prophet said: "Whoever does not determine to fast before fajr will have no fast" (that is, it won't be accepted). This is related by Ahmad, an-Nasa'i, at-Tirmizhi, Abu Dawud, and Ibn Majah. Ibn Khuzaimah and Ibn Hibban have classified it as sahih.

The intention is valid during any part of the night. It need not be spoken, as it is in reality an act of the heart which does not involve the tongue. It will be fulfilled by one's intention to fast out of obedience to Allah and for seeking His pleasure.

If one eats one's pre-dawn meal (sahoor) with the intention of fasting and to get closer to Allah by such

abstinence, then one has performed the intention. If one determines that one will fast on the next day solely for the sake of Allah, then one has performed the intention even if a pre-dawn meal was not consumed.

According to many of the jurists, the intention for a voluntary fast may be made at any time before any food is consumed. This opinion is based on 'Aishah's hadith: "The Prophet came to us one day and said: 'Do you have any [food]?' We said, 'No.' He said: 'Therefore, I am fasting." This is related by Muslim and Abu Dawud.

The Hanafiyyah and Shaf'iyyah stipulate that the intention must be made before noon (for voluntary fasts). The apparent opinion of Ibn Mas'ud and Ahmad is that the intention may be made before or after noon.

### Fiqh 3.114: Essential elements of fasting, who must fast

All scholars agree that fasting is obligatory upon every sane, adult, healthy Muslim male who is not traveling at that time. As for a woman, she must not be menstruating or having post-childbirth bleeding. People who are insane, minors, and those who are traveling, menstruating, or going through post-childbirth bleeding, and the elderly and breast-feeding or pregnant women do not need to observe the fast.

For some, the fast is not obligatory at all, for example, the insane. In the case of young people, their parents or guardians should order them to fast. Some are to break the fast and make up the missed days of fasting at a later date, while others are to break the fast and pay a "ransom" (in which case, they are not obliged to make up the days they missed). We shall discuss each group in more detail.

### Fiqh 3.114 a: Essential elements of fasting, the fast of the insane

Fasting is not obligatory for the insane because of their inability to understand what they are doing. 'Ali reported that the Prophet, upon whom be peace, said: "The pen is raised for three groups [of people]--that is, they will not be responsible for their actions: the insane until they become sane, those who are sleeping until they awaken, and the young until they reach puberty." This is related by Ahmad, Abu Dawud, and at-Tirmizhi.

### Fiqh 3.114 b: Essential elements of fasting, the fast of the young [non-adults]

Though the young are not required to fast, it is proper for their guardians to encourage them to fast so they will become accustomed to it at an early age. They may fast as long as they are able to and then may break it. ArRabi'a bint Mu'awiyyah reported: "The Messenger of Allah sent a man, on the morning of the day of 'Ashurah, to the residences of the Ansar, saying: 'Whoever has spent the morning fasting is to complete his fast. Whoever has not spent this morning fasting should fast for the remainder of the day.' We fasted after that announcement, as did our young children. We would go to the mosque and make toys stuffed with cotton for them to play with. If one of them started crying due to hunger, we would give them a toy to play with until it was time to eat." This is related by al-Bukhari and Muslim.

### Fiqh 3.115: Essential elements of fasting, those who are permitted to break the fast, but who must pay a "ransom" for not fasting

Elderly men and women are permitted to break their fasts, as are the chronically ill, and those who have to perform difficult jobs under harsh circumstances and who could not find any other way to support themselves. All of these people are allowed to break their fast, because such a practice would place too much hardship on them during any part of the year. They are obliged to feed one poor person [miskin] a day (for every day of fasting that they do not perform). The scholars differ over how much food is to be supplied, for example, a sa', half a sa', or a madd. There is nothing in the sunnah that mentions exactly how much is to be given.

Ibn 'Abbas said: "An elderly man is permitted to break his fast, but he must feed a poor person daily. If he does this, he does not have to make up the days that he did not fast. This is related by ad-Daraqutni and by al-Hakim, who said it is sahih. Al-Bukhari recorded that 'Ata heard Ibn 'Abbas recite the 'ayah: "And for those who can fast [but do not], there is a "ransom': the feeding of a person in need" [al-Baqarah 185]. Then Ibn 'Abbas continued: "It has not been abrogated. [Its ruling applies] to elderly men and women who are not able to fast. Instead, they must feed one poor person on a daily basis."

The same is true for one who is chronically ill and as such cannot fast, and for one who is forced to work under harsh circumstances and as such cannot endure the additional burden of fasting. Both groups must also feed one poor person daily.

Commenting on al-Baqarah's 'ayah, Sheikh Muhammad 'Abduh says: "What is meant by those who can fast' [(but do not) in the Qur'anic verse] is the weak elderly people, the chronically ill, and so on, and similarly, those workers who are working under severe conditions, such as coal miners. The same applies to criminals who are sentenced to life imprisonment with hard labor. They have to pay the 'ransom' if they have the means to do so."

Pregnant and breast-feeding women, if they fear for themselves or for the baby, can break the fast and pay the "ransom." They do not have to make up the days missed. Abu Dawud related from 'Ikrimah that Ibn 'Abbas said concerning the 'ayah "And for those who can fast [but do not],": "This is a concession for the elderly, as they can fast. They are to break the fast and feed one poor person a day. Pregnant or breast-feeding women, if they fear for the child, can do likewise." This is related by al-Bazzar. At the end of the report, there is the addition: "Ibn 'Abbas used to say to his wives who were pregnant: 'You are in the same situation as those who can fast [but do not]. You are to pay the "ransom" and do not have to make up the days later.' " Of its chain, ad-Daraqutni says it is sahih.

Nafi' reported that Ibn 'Umar was asked about a pregnant woman who feared for her unborn baby. He replied: "She is to break the fast and to feed one poor person a day one madd of barley."

There is also a hadith that states: "Allah has relieved the travelers of fasting and half of the prayer, and the pregnant and the breast-feeding women of the fast."According to the Hanafiyyah, Abu Ubaid, and Abu Thaur, such women are only to make up the missed days of fasting, and they are not supposed to feed one poor person a day. According to Ahmad and ash-Shaf'i, if such women fear only for the baby, they must pay the "ransom" and make up the days later. If they fear only for themselves or for themselves and the baby, then they are only to make up the missed days at a later date.

## Fiqh 3.116: Making up the Missed Days of Fasting

It is allowed for those who are (not chronically) ill and for travelers to break their fasts during Ramadan, but they must make up the days they missed. Allah says in the Qur'an: "And [for] him who is sick among you or on a journey, [the same] number of other days."

Mu'azh said: "Verily, Allah made the fast obligatory upon the Prophet by revealing: 'O you who believe, fasting is prescribed for you as it was prescribed for those before you...' until the words, 'And for those who can fast [but do not] there is a "ransom" payment...' Then, whoever wished to do so would fast and whoever wished to do so would feed a poor person, and that was sufficient for them. Then Allah revealed another verse: 'The month of Ramadan in which the Qur'an was revealed...' to the words: 'Whoever is resident among you during this month is to fast.' [By this verse,] the fast was established for those who were resident and healthy. A concession was made for the sick and travelers, and the feeding of the poor by the elderly who could not fast was [left] confirmed." This is related by Ahmad, Abu Dawud, and alBaihaqi with a sahih chain.

A sick person may break his fast which, if continued, would only aggravate the illness or delay its cure.In al-Mughni it is stated: "It is related from some of the early scholars that any type of illness allows one to break the fast, even an injury to the finger or a toothache. They based their opinion on the following:

1 the wording of the verse is general and applies to all types of illness, and

2 a traveler is allowed to break his fast even if he does not need to and, therefore, the same must be the case for one who is sick." This was also the opinion of al-Bukhari, 'Ata, and the Zhahiri school of thought.

One who is healthy but fears that he will become ill if he fasts can break the fast, as can the person who is overcome by hunger and/or thirst and fears that he may die because of it, even if he is resident and healthy. He must make up the days of fasting that he missed. The following two Qur'anic 'ayahs support this point: "And do not kill yourselves, Lo! Allah is ever Merciful to you," and "He has not laid upon you in your religion any hardship."

If a sick person fasts and withstands the hardships of the fast, his fast will be valid but disliked, for he did not accept the concession Allah gave him, thereby causing himself much hardship. Some of the companions would fast during the Prophet's lifetime while others would not (that is, if they were ill), thereby following the verdict of the Prophet. Hamzah al-Aslami said: "O Messenger of Allah, I find within me the strength to fast while traveling. Would there be any blame upon me if I were to do so?" The Prophet, upon whom be peace, answered: "It is a concession from Allah. Whoever takes it has done well. Whoever likes to fast, there is no blame upon him." This is related by Muslim.

Abu Sa'id al-Khudri reported: "We traveled with the Messenger of Allah to Makkah while we were fasting. We stopped at a place and the Messenger of Allah said: 'You are coming close to your enemies. You will be stronger if you break the fast.' That was a concession and some of us fasted and some of us broke our fasts. Then we came to another place and the Prophet said: 'In the morning you will face your enemy. Breaking the fast will give you more strength.' So we broke our fast, taking that as the best course of action. After that, you could see some of us fasting with the Prophet while traveling." This is related by Ahmad, Muslim, and Abu Dawud.

In another report, Abu Sa'id al-Khudri said: "We fought under the leadership of the Messenger of Allah during Ramadan. Some of us fasted and some of us did not. The ones who fasted did not find any fault with those who did not fast, and those who did not fast found no fault with those who fasted. They knew that if one had the strength to fast he could do so and it was good, and that if one was weak, he was allowed to break his fast, and that was good." This is related by Ahmad and Muslim.

The jurists differ over what is preferred (that is, to fast or not to fast while traveling). Abu Hanifah, ash-Shaf'i, and Malik are of the opinion that if one has the ability to fast, it is better for him to do so, and if one does not have the ability to fast, it is better for him to break the fast. Ahmad said that it is best to break the fast. 'Umar ibn 'Abdulaziz says: "The best of the two acts is the easier of the two. If it is easier for one to fast than to make up the day later on, then, in his case, to fast is better."

Ash-Shaukani has concluded that if it is difficult for an individual to fast or to reject the concession, then it is best for him not to fast (while traveling). Similarly, if one fears that one's fasting during travel will look like showing off, then in this case, breaking the fast would be preferred. If one is not faced with such conditions, then fasting would be preferred.

If a traveler makes the intention (to fast) during the night, he can still break his fast during the day. Jabir ibn 'Abdullah reported:

"The Messenger of Allah left for Makkah during the year of the conquest [of Makkah] and he and the people with him fasted until he reached a certain valley. He then called for a cup of water, which he elevated so that the people could see it, and then he drank. Afterwards, he was told that some people had continued to fast, and he said: 'Those are disobedient ones, those are disobedient ones.' " This is related by Muslim, at-Tirmizhi, and an-Nasa'i. At-Tirmizhi called it sahih.

If one has already made the intention to fast while resident but then decided to travel during the day, the majority of scholars maintain that he must fast. Ahmad and Ishaq say that he may break the fast.

**This opinion is based on the report of Muhammad ibn Ka'b who said: "I came to Anas ibn Malik during Ramadan while he was planning on traveling. His mount was prepared for him, and he was wearing his clothes for traveling. He asked for some food and ate. I said to him: 'Is this a sunnah?' He said, 'Yes.' Then he mounted his animal and left." This is related by at-Tirmizhi, who called it hassan.'Ubaid ibn Jubair said: "During Ramadan, I rode on a ship with Abu Basra al-Ghafari from al-Fustat. He prepared his food and said, "Come [and eat]." I said: "Are we not still among the houses [of the city - that is, they had not left yet]?" Abu Basra asked: "Are you turning away from the sunnah of the Messenger of Allah?" This is related by Ahmad and Abu Dawud. Its narrators are trustworthy.**

**Ash-Shaukani contends: "These two hadith prove that a traveler may break his fast before he begins his joumey. Of its credentials, Ibn al-'Arabi says: 'Concerning the hadith of Anas, it is sahih and proves that one can break the fast when he is prepared to travel.'" This is the correct position.**

**The type of travel that allows one to break his fast is the same as the traveling which allows one to shorten the prayers. We have discussed all of the opinions on this point under the section Shortening the Prayers, and we have also recorded Ibn al-Qayyim's conclusions on this question.**

**Ahmad, Abu Dawud, al-Baihaqi, and at-Tahawi recorded from Mansur al-Kalbi that Dihya ibn Khalifah traveled a distance of one farsakh during Ramadan. When he broke his fast, some of the people accompanying him did likewise. Some of them did not agree with this action. On his return to his city, Dihya said: "I saw some hing today that I did not suspect I would ever see. The people tumed away the Messenger of Allah's guidance and that of his companions." He said that about the people who had fasted. Then he said: "O Allah, take [my soul] to you." All of its narrators are trustworthy, except for Mansur al-Kalbi... although al-'Ijli affirms his credibility.**

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### Fiqh 3.120: Those who must make up the missed days

The scholars agree that it is obligatory for menstruating women and women with postchildbirth bleeding to break the fast and to make up the missed days later on. Al-Bukhari and Muslim recorded that 'Aishah said: "When we would have our menses during the lifetime of the Prophet, we were ordered to make up the days of fasting that we had missed but were not ordered to make up the prayers that we had missed.

### Fiqh 3.120 a: The Forbidden Days to Fast, the days of 'id

All scholars agree that such a fast is prohibited. It does not matter if the fast is obligatory or voluntary. 'Umar testifies: "The Messenger of Allah has forbidden fasting on these two days. Concerning the 'id of breaking the fast, it is for you to break your fast [of Ramadan]. On the 'id of sacrifice, you should eat from what you sacrifice." This is related by Ahmad, an-Nasa'i, atTirmizhi, Abu Dawud, and Ibn Majah.

### Fiqh 3.120 b: The Forbidden Days to Fast, the days of tashreeq (three days following the 'Id al-Azha)

It is not permissible to fast during the three days following the 'Id al-Azha. Abu Hurairah reported that the Messenger of Allah, upon whom be peace, sent 'Abdullah ibn Huzhaqah to announce at Mina: "You are not to fast these days. They are days of eating and drinking and remembering Allah." This is related by Ahmad with a good chain.

Ibn 'Abbas reported that the Messenger of Allah, upon whom be peace, sent a person to announce: "Do not fast on these days, as they are days of eating, drinking and rejoicing with one's family." At-Tabarani related it in al-'Awsat.

The Shaf'iyyah allow fasting on the days of tashreeq if there is some reason for the fasting - that is, if it is due to an oath, for expiation, or for making up a missed day of Ramadan. Those fasts that have no special reason behind them are not allowed, and there is no disagreement on this point. The Shaf'iyyah applied the same reasoning that they used in saying that prayers that are performed for a specific reason are allowed to be performed during the prohibited times of prayer [for example, the prayer of salutation to the mosque, and so on].

### Fiqh 3.121: The Forbidden Days to Fast, prohibited to single out Friday as a day of fasting

The day of Friday is a kind of weekly 'id for Muslims and, therefore, it is prohibited to fast on that day. Most scholars say that this prohibition is one of dislike,9 not one of complete forbiddance.

If one fasts on the day before or after it, or if it is a day that one customarily fasts on (for example, the 13th, 14th, or 15th of the month), or if it is the day of 'Arafah or 'Ashurah, then it is not disliked to fast on such a Friday.

'Abdullah ibn 'Amr reported that the Messenger of Allah entered the room of Juwairiyah bint al-Harith while she was fasting on a Friday. He asked her: "Did you fast yesterday?" She answered, "No." He said: "Do you plan to fast tomorrow?" She answered, "No." Therefore he said: "Then break your fast." This is related by Ahmad and an-Nasa'i with a good chain.

'Amr al-'Ashari reported that he heard the Messenger of Allah say: "Verily, Friday is an 'id for you, so do not fast on it unless you fast the day before or after it." This is related by al-Bazzar with a good chain.

'Ali counseled: "He who wants to [fast] voluntarily should fast on Thursday instead of Friday, for Friday is a day of eating, drinking, and remembrance." This is related by Ibn Abu Shaibah with a good chain.

In the two Sahih (those of al-Bukhari and Muslim), Jabir reported that the Prophet said: "Do not fast on Friday unless you fast on it together with the day before or the day after." Muslim's version states: "Do not exclusively choose the night of Friday [Thursday night in English] as a special night for performing the night prayers. Also, do not exclusively choose Friday as a day of fasting unless it occurs on a day that you regularly fast."

### Fiqh 3.122: The Forbidden Days to Fast, prohibited to single out Saturday as a day of fasting

Busr as-Salmi related from his sister as-Sama' that the Messenger of Allah, upon whom be peace, said: "Do not fast on Saturdays unless it is an obligatory fast. [You should not fast] even if you do not find anything [to eat] save some grape peelings or a branch of a tree to chew on."

This is related by Ahmad, an-Nasa'i, at-Tirmizhi, Abu Dawud, Ibn Majah, and al-Hakim. Al-Hakim said that it is sahih according to the conditions of Muslim, while at-Tirmizhi called it hassan. AtTirmizhi said that what is disliked here is for a person to exclusively choose Saturday as a day of fasting, as it is the day that the Jews honor.

In contradiction with the preceding report, Umm Salamah claims: "The Prophet used to fast more often on Saturdays and Sundays than on the other days. He would say: 'They are the 'ids of the polytheists, and I love to differ from them.' " This is related by Ahmad, al-Baihaqi, al-Hakim, and Ibn Khuzaimah who called it sahih.

The Hanafiyyah, Shaf'iyyah, and Hanbaliyyah say it is disliked to fast on Saturday by itself due to the preceding evidence. Malik differs from them, but the hadith is proof against him.

### Fiqh 3.122 a: The Forbidden Days to Fast, on the "day of doubt"

'Ammar ibn Yasir said: "Whoever fasts the 'day of doubt has disobeyed Abu alQasim [the Prophet]." This is related by an-Nasa'i, at-Tirmizhi, Abu Dawud, and Ibn Majah.

Of its status, at-Tirmizhi says: "It is a hassan sahih hadith. Most of the knowledgeable people act in accordance with it. It is the opinion of Sufyan ath-Thauri, Malik ibn Anas, 'Abdullah ibn alMubarak, ash-Shaf'i, Ahmad, and Ishaq. They all hate that one fasts on a 'day of doubt.' Most of them believe that if one fasts on such a day and it turns out to be Ramadan, then that day still has to be made up later. If such a day occurs during one's regular fasting period, then it is permissible to fast on such a day."

As related by "the group," Abu Hurairah reported that the Messenger of Allah said: "Do not precede Ramadan by fasting the day or two before it unless it is a day on which the person usually fasts."

About this hadith, at-Tirmizhi says: "The hadith is hassan sahih and the scholars act in accordance with it. They dislike that a person should hasten Ramadan by fasting on the day before it. If a person usually fasts on a day and 'the day of doubt' occurs on that day, then there is no problem with his fasting on that day, in their opinion."

### Fiqh 3.123: The Forbidden Days to Fast, every day of the year

It is forbidden to do so because there are certain days of the year on which one is not allowed to fast. The Messenger of Allah said: "There is no [reward for] fasting for the one who perpetually fasts." This is related by Ahrnad, al-Bukhari, and Muslim.

If one breaks his fast during the days of 'id and the days of tashreeq, then his perpetual fasting would no longer be considered disliked. In his comments on this issue, at-Tirmizhi says: "A group of scholars dislike fasting every day if it includes the 'ids ['id al-Fitr, 'id al-Azha] and the days of tashreeq. If one breaks his fast on those days, his action is no longer disliked, as he is no longer fasting the whole year." The scholars are Malik, ash-Shaf'i, Ahrnad, and Ishaq.

The Prophet approved of Hamzah al-Aslami's nurnerous fasts when he told him: "Fast if you wish and break your fast if you wish." This hadith was mentioned earlier.

## Fiqh 3.123 a: The Forbidden Days to Fast, woman to fast while her husband is present except with his permission

The Messenger of Allah forbade a woman to fast if her husband was present until he gave her his perrnission to do so. Abu Hurairah reported that the Prophet said: "A woman is not to fast [even] for one day while her husband is present except with his permission, unless it is during Ramadan." This is related by Ahmad, al-Bukhari, and Muslim. The scholars have interpreted this prohibition as one of forbiddance, and they allow the husband to end his wife's fasting if she fasted without his perrnission and he seeks his right [to sex] from her. This is also true, obviously, for days other than those of Ramadan in which case she does not need her husband's permission. Similarly, if she fasted without his permission because he was not present, he has the right to end her fast when he retums.

If the husband is sick or incapable of intercourse, it is permissible for the woman to fast without his perrnission--that is, it is similar to the case of where the husband is not present.

## Fiqh 3.124: The Forbidden Days to Fast, consecutive days without eating at all [al-wisal]

Abu Hurairah reported that the Messenger of Allah, upon whom be peace, said: "Do not perforrn al-wisal." He said that three times and the people said to him: "But you perform al-wisal, O Messenger of Allah!" He said: "You are not like me in that matter. I spend the night in such a state that Allah feeds me and gives me to drink.. Devote yourselves to the deeds which you can perform." This is related by al-Bukhari and Muslim.

The scholars say this prohibition implies that the act is disliked. Ahmad and Ishaq say that it is allowed to fast until the time of the pre-dawn meal as long as it is not a hardship on the one fasting. This opinion is based on what al-Bukhari recorded on the authority of Abu Sa'id al-Khudri: "The Messenger of Allah said: 'Do not make al-wisal. If one of you insists on making al-wisal, he may continue his fast [after sunset] until the time of the pre-dawn

## Fiqh 3.124 a: Voluntary Fasts

The Prophet has exhorted us to fast during the following days: six days of the month of Shawwal, first ten days of Zhul-Hijjah for those not performing the pilgrimage, month of Muharram.

## Fiqh 3.124 b: Voluntary Fasts, six days of the month of Shawwal

Abu Ayyub al-Ansari reported that the Prophet, upon whom be peace, said: "Whoever fasts during the month of Ramadan and then follows it with six days of Shawwal will be [rewarded] as if he had fasted the entire year." This is related by "the group," except for al-Bukhari and anNasa'i.

According to Ahmad, one may fast on these days consecutively or nonconsecutively, as neither practice is preferred over the other. Hanafiyyah and Shaf'iyyah maintain that it is preferable to fast on consecutive days after the 'id.

## Fiqh 3.124 c: Voluntary FastsThe first ten days of Zhul-Hijjah, especially the day of Arafah, for those who are not performing the pilgrimage

1 Abu Qatadah reported that the Messenger of Allah said: "Fasting on the day of 'Arafah is an expiation for two years, the year preceding it and the year following it. Fasting the day of 'Ashurah is an expiation for the year preceding it." This is related by "the group," except for al-Bukhari and at-Tirmizhi.

2 Hafsah reported: "There are five things that the Prophet never abandoned: fasting the day of

'Ashurah, fasting the [first] ten [days of Zhul-Hijjah], fasting three days of every month and praying two rak'ah before the dawn prayer." This is related by Ahmad and an-Nasa'i.

3 'Uqbah ibn 'Amr reported that the Messenger of Allah said: "The day of 'Arafah, the day of sacrifice, and the days of tashreeq are 'ids for us--the people of Islam--and they are days of eating and drinking." This is related by "the five," except for Ibn Majah. At-Tirmizhi grades it sahih.

4 Abu Hurairah stated: "The Messenger of Allah forbade fasting on the day of 'Arafah for one who is actually at 'Arafah." This is related by Ahmad, Abu Dawud, an-Nasa'i, and Ibn Majah.

At-Tirmizhi comments: "The scholars prefer that the day of 'Arafah be fasted unless one is actually at 'Arafah."

5 Umm al-Fadl said: "The people were in doubt over whether or not the Prophet was fasting on the day of 'Arafah. I sent him some milk, and he drank it while he was delivering an address to the people at 'Arafah." This is related by al-Bukhari and Muslim.

Ibn 'Abbas reported that the Messenger of Allah, upon whom be peace, sent a person to announce: "Do not fast on these days, as they are days of eating, drinking and rejoicing with one's family." At-Tabarani related it in al-'Awsat.

## Fiqh 3.125: Voluntary Fasts, Fasting during the month of Muharram, especially the day of 'Ashurah and the days immediately preceding and following it

Abu Hurairah reported: "I asked the Prophet: 'Which prayer is the best after the obligatory prayers?' He said: 'Prayer during the middle of the night.' I asked: 'Which fast is the best after the fast of Rarnadan?' He said, 'The month of Allah that you call Muharram.' " This is related by Ahmad, Muslim, and Abu Dawud.

Mu'awiyyah ibn Abu Sufyan reported that he heard the Messenger of Allah say: "Concerning the day of 'Ashurah, it is not obligatory upon you to fast on it as I do. Whoever wishes may fast and whoever does not wish to is not obliged to do so." This is related by al-Bukhari and Muslim.

'Aishah stated: "The tribe of Quraish used to fast on the day of 'Ashurah in the days before Islam, as did the Prophet. When he came to Madinah, he still fasted on it and ordered the people to do likewise. Then, when fasting during the month of Ramadan becam obligatory, he said: 'Whoever wishes may fast ['Ashurah] and whoever wishes may leave it." This is related by al-Bukhari and Muslim.

Ibn 'Abbas reported: "The Prophet came to Madinah and found the Jews fasting on the day of 'Ashurah. He said to them: 'What is this fast?' They said: 'A great day. Allah saved Moses and the tribes of Israel from their enemies on this day and therefore, Moses fasted on this day.' The Prophet said: 'We have more of a right to Moses than you,' so he fasted on that day also and ordered the people to fast on that day." This is recorded by al-Bukhari and Muslim.

According to al-Bukhari and Muslim, Musa al-Ash'ari reported: "The Jews would honor the day of 'Ashurah as an 'id. The Prophet said: 'You [Muslims] are to fast on it.'"

Ibn 'Abbas reported: "The Messenger of Allah fasted on the day of 'Ashurah and ordered the people to fast on it. The people said: 'O Messenger of Allah, it is a day that the Jews and Christians honor.' The Prophet said, 'When the following year comes--Allah willing--we shall fast on the ninth.' The death of the Prophet came before the following year." This is recorded by Muslim and Abu Dawud. In one version the wording is: "If I remain until next year, we shall fast the ninth," meaning, the tenth. This is related by Muslim and Abu Dawud.

The scholars have mentioned that the fast of 'Ashurah is of three levels:

1 fasting three days--that is, on the 9th, 10th, and 11th of Muharram;

2 fasting on the 9th and 10th; and

3 fasting only on the 10th.

## Fiqh 3.126: Being generous in providing household provisions on the day of 'Arafah

Jabir reported that the Messenger of Allah said: "Whoever is generous to himself and to his family on the day of 'Ashurah will have Allah's generosity bestowed on him for the rest of the year." This is related by al-Baihaqi in ash-Shu'ab and by Ibn 'Abdul-Barr. The hadith has other chains, but they are all weak; however, strung together these chains strengthen the rank of the hadith, as as-Sakhawi said.

## Fiqh 3.127: Fasting most of the month of Sha'ban (the month preceding Ramadan)

The Prophet would fast most of the month of Sha'ban. 'Aishah said: "I never saw the Messenger of Allah fast a complete month save for Ramadan, and I have never seen him fast more in a month than he did in Sha'ban." This is related by al-Bukhari and Muslim.

Usamah ibn Zaid inquired: "O Messenger of Allah, I never find you fasting in any month like you do during the month of Sha'ban." The Prophet responded: "That is a month the people neglect. It comes between Rajab and Ramadan. It is a month in which the deeds are raised to the Lord of the Worlds. I love that my deeds be raised while I am fasting." This is related by Abu Dawud, an-Nasa'i, and by Ibn Khuzaimah in his Sahih.

Some people fast on the 15th of Sha'ban in particular, thinking that that day contains more virtues than the other days. This is an unsubstantiated claim.

## Fiqh 3.127 a: Fasting during the "forbidden" months

The "forbidden" months (during which killing is forbidden) are Zhul-Qidah, ZhulHijjah, Muharram, and Rajab. It is preferred to fast a lot during these months.

A man from Bahila came to the Prophet and said: "O Messenger of Allah, I am the man who came to you during the first year." The Prophet, upon whom be peace, said: "What has changed you? You used to be much more handsome!" He answered: "I did not eat save during the night since I left you." The Messenger of Allah asked: "Why did you punish yourself? Fast during the month of patience [that is, Ramadan] and then one day of every month." The man said: "Add something to that for me, for I have more strength than that." The Prophet responded: "Fast two days [a month]." The man said: "Add more for me." The Prophet said three times: "Fast from the forbidden months, then leave fasting." He pointed with three of his fingers by clenching them and releasing them. This is related by Ahmad, Abu Dawud, Ibn Majah, and al-Baihaqi with a good chain.

Fasting during Rajab contains no more virtue than during any other month. There is no sound report from the sunnah that states that it has a special reward. All that has been related concerning it is not strong enough to be used as a proof. Ibn Hajr says: "There is no authentic hadith related to its virtues, not fasting during it or on certain days of it, nor concerning exclusively making night prayers during that month."

## Fiqh 3.128: Fasting Mondays and Thursdays

Abu Hurairah reported that the most the Prophet would fast would be Monday and Thursday. He was asked about that and he said: "The actions are presented on every Monday and Thursday. Allah forgives every Muslim or every believer, except for those who are boycotting each other. He says [about them]: 'Leave them.' " This is related by Ahmad with a sahih chain. It is recorded in Sahih

Muslim that the Prophet, when asked about fasting on Monday, said: "That is the day on which I was born and the day on which I received revelations."

### Fiqh 3.128 a: Fasting three days of every month

Abu Zharr al-Ghafari reported: "The Messenger of Allah ordered us to fast for three days of every month--that is, on the days of the full moon (the 13th, 14th, and 15th of the lunar month). And he said: 'It is like fasting the whole year.' " This is related by an-Nasa'i and by Ibn Hibban, who called it sahih.

It is related that the Prophet would fast on Saturday, Sunday, and Monday of one month and on Tuesday, Wednesday, and Thursday of the next month. He would also fast for three days at the beginning of the month, or on the first Thursday and the next two Mondays of the month.

### Fiqh 3.128 b: Fasting one day and not fasting the next

Abu Salama ibn 'Abdurrahman reported from 'Abdullah ibn 'Amr that the Prophet, upon whom be peace, said to him: 'I have been informed that you stay up in prayer during the night and fast during the day. 'Abdullah answered: "Yes, O Messenger of Allah." The Prophet said: "Fast and do not fast, pray and sleep, for your body, your wife, and your guests have a right upon you. It is sufficient for you to fast three days a month." 'Abdullah said: "I wanted to be stricter on myself and I said: "O Messenger of Allah, I have the strength to do more." The Prophet said: "Then fast three days a week." 'Abdullah said: "I have the strength to do more!" The Prophet said: "Fast the fast of the Prophet David and do not do more than that!" 'Abdullah inquired: "And what was the fast of David?" The Prophet replied: "He would fast one day and then not fast the next." This is recorded by Ahmad and others.

Ahmad also related from 'Abdullah ibn 'Amr that the Prophet said: "The fast most loved by Allah is the fast of David, and the most loved prayer is the prayer of David. He would sleep half the night, pray for a third of the night, and then sleep during the last sixth of the night. He would also fast one day and then eat on the next."

### Fiqh 3.129: It is permissible for one who is performing a voluntary fast to break his fast

Umm Hani reported that the Prophet, upon whom be peace, entered her room during the day of the conquest of Makkah. He was offered something to drink and he drank from it. Then he offered it to Umm Hani and she said: "I am fasting." The Prophet said: "The one who is fasting voluntarily is in charge of himself. If you wish you may fast and if you wish you may break your fast." This is recounted by Ahmad, ad-Daraqutni, and alBaihaqi. Al-Hakim also related it and said that its chain is sahih. The version he recorded states: "And if one wishes he may fast and if he wishes he may break his fast."

Abu Juhaifah said: "The Prophet established the bond of brotherhood between Salman and Abu ad-Darda. Once, Salman visited Abu ad-Darda and saw Umm ad-Darda wearing very plain clothes. He said to her: 'What's happening to you?' She said: 'Your brother Abu ad-Darda has no need in this world.' When Abu adDarda came, he prepared some food for Salman and said: 'Eat, for I am fasting.' Salman said: 'I shall not eat until you eat.' So he ate. When it was night, Abu ad-Darda got up to pray and Salman said, 'Sleep,' and he did so. Toward the end of the night Salman woke Abu ad-Darda and said, Pray now.' And they prayed. Salman told him: 'Your Lord has a right upon you, you have a right upon yourself, and so does your wife. Give each one its due right.' Abu adDarda went to the Prophet and told him what Salman had said. The Prophet said: 'Salman has said the truth.' " This is related by al-Bukhari and at-Tirmizhi.

Abu Sa'id al-Khudri said: "I prepared food for the Prophet. He came to me with some of his companions. When the food was laid out, one of the men said: 'I am fasting.' The Messenger of Allah said: 'Your brother has invited you and incurred expenses in your behalf.' Then he asked [him], Break your fast and fast another day in its place if you wish.' " This is related by al-Baihaqi. Al-Hafizh says it has a hassan chain.

Most scholars maintain that one who is performing a voluntary fast can break it. It is, however, preferred to make up that day later on. The preceding view is clear and authentic hadith are support for that position.

## Fiqh 3.130: Fasting, eating a pre-dawn meal

All Muslims agree that it is preferred to eat a pre-dawn meal and that there is no sin upon one who does not do so. Anas reported that the Messenger of Allah said: "Eat a pre-dawn meal, for there are blessings in it." This is related by alBukhari and Muslim.

Al-Miqdam ibn Madyakrib reported that the Prophet, upon whom be peace, said: "You should eat this pre-dawn meal for it is a blessed nourishment." This is related by an-Nasa'i with a good chain. The reason why it is a blessing is that it strengthens the fasting person, makes him more energetic, and makes the fast easier for him.

## Fiqh 3.130 a: Fasting, what would fulfill the sunnah of eating a pre-dawn meal

The sunnah would be fulfilled by eating a small or large quantity of food, or even just by drinking a sip of water. Abu Sa'id al-Khudri reported that the Messenger of Allah said: "The pre-dawn meal is blessed, so do not neglect it even if you only take a sip of water. Verily, Allah and the angels pray for those who have pre-dawn meals." This is related by Ahmad.

## Fiqh 3.130 b: Fasting, the time for the pre-dawn meal

The time for the pre-dawn meal is between the middle of the night and dawn. It is considered best to delay it (that is, as close to dawn a possible). Zaid ibn Thabit reported: "We ate the pre-dawn meal with the Messenger of Allah and then we got up for the prayer. He was asked: 'What was the amount of time between the two?' He responded: '[The time it would take to recite] fifty verses.' " This is recounted by al-Bukhari and Muslim.

'Amr ibn Maimun adds: "The companions of Muhammad, upon whom be peace, would be the first to break the fast and the last to eat their pre-dawn meals." This is recorded by al-Baihaqi with a sahih chain.

Abu Zharr al-Ghafari related that the Prophet said: "My nation will always retain some goodness as long as they hasten breaking the fast and delay eating the pre-dawn meal." This hadith has in its chain one Sulaim ibn Abu Uthman who is unknown.

## Fiqh 3.131: Fasting, doubt concerning the time of fajr

If one is in doubt whether or not the time of fajr has begun or not, he may continue to eat and drink until he is certain that it is fajr. He should not base his action on doubt or suspicion. Allah has made the signs for beginning the daily fast very clear and unambiguous. Allah enjoins (upon the believers) in the Qur'an: "Eat and drink until the white thread of the dawn becomes distinct from the black thread [of the night]."

A man said to Ibn 'Abbas: "I eat until I suspect that its time has ended so I stop. Ibn 'Abbas observed: "Continue to eat until you are certain about the time." Abu Dawud reported that Ahmad ibn Hanbal said: "If you have some doubt about fajr, eat until you are sure dawn has come." This is the opinion of Ibn 'Abbas, 'Ata, al'Auza'i, and Ahmad.

An-Nawawi informs that: "The followers of ash-Shafai agree that one may eat if he is uncertain whether dawn has come or not."

## Fiqh 3.131 a: Hastening in breaking the fast

It is preferred for the fasting person to hasten in breaking the fast when the sun has set. Sahl ibn Sad reported that the Prophet said: "The people will always be with the good as long as they hasten in breaking the fast." This is related by al-Bukhari and Muslim.

The fast should be broken with an odd number of dates or, if that is not available, with some water. Anas reported: "The Messenger of Allah would break his fast with ripe dates before he would pray. If those were not available, he would eat dried dates. If those were not available, he would drink some water." This hadith is related by Abu Dawud and by al-Hakim, who called it sahih, and by at-Tirmizhi, who called it hassan.

Sulaiman ibn 'Amr reported that the Prophet said: "If one of you is fasting, he should break his fast with dates. If dates are not available, then with water, for water is purifying." This is related by Ahmad and by at-Tirmizhi, who called it hassan sahih.

The preceding hadith also shows that it is preferred to break the fast in the above manner before praying. After the prayer, the person may continue to eat, but if the evening meal is ready, one may begin with that. Anas reported that the Messenger of Allah said: "If the food is already presented, eat before the sunset prayer and do not eat your meals in haste." This is related by al-Bukhari and Muslim.

### Fiqh 3.132: Supplications while breaking the fast and while fasting

Ibn Majah related from 'Abdullah ibn 'Amr ibn al-'Aas that the Prophet, upon whom be peace, said: "A fasting person, upon breaking his fast, has a supplication that will not be rejected. When 'Abdullah broke his fast he would say: "O Allah, I ask of You, by Your mercy that encompasses everything, to forgive me."

It is confirmed that the Prophet would say: The thirst has gone, the glands are wet and, Allah willing, the reward is confirmed. In mursal form, it is reported that he would say: "O Allah, for You I have fasted and with Your provisions do I break my fast."

At-Tirmizhi recorded, with a good chain, that the Prophet said: "Three people will not have their supplications rejected: a fasting person until he breaks his fast, a just ruler, and an oppressed person."

### Fiqh 3.132 a: Refraining from performing any actions that do not befit the fasting

Fasting is a type of worship that draws one closer to Allah. Allah has prescribed it to purify the soul and to train it in good deeds. The fasting person must be on guard against any act that may cause him to lose the benefits of his fast. Thus, his fast will increase his God-consciousness, and Allah says in the Qur'an: "O you who believe, fasting is prescribed for you as it was prescribed for those before you so perchance you may attain God consciousness."

Fasting is not just refraining from eating and drinking, but it is also refraining from everything else that Allah has forbidden. Abu Hurairah reported that the Prophet said: "Fasting is not [abstaining] from eating and drinking only, but also from vain speech and foul language. If one of you is being cursed or annoyed, he should say: "I am fasting, I am fasting." This is related by Ibn Khuzaimah, Ibn Hibban, and al-Hakim. The latter said that it is sahih according to Muslim's criterion.

Abu Hurairah also reported that the Prophet, upon whom be peace, said: "Allah does not need the fast of one who does not abandon false speech or acting according to his false speech." This is related by the group, except for Muslim.

Abu Hurairah narrated that the Prophet said: "Perhaps a fasting person will get nothing from his fast save hunger, and perhaps the one who stands to pray at night will get nothing from his standing except sleeplessness." This is related by an-Nasa'i, Ibn Majah, and al-Hakim. The latter said that it is sahih according to alBukhari's criterion.

## Fiqh 3.133: Fasting, using the tooth stick [brush]

It is preferred for the fasting person to use a tooth stick or a brush. There is no difference if he uses it at the beginning or the ending of the day. At-Tirmizhi affirms that: "Ash-Shafhi did not see anything wrong with using a tooth stick [brush] during the beginning or the ending of the day." The Prophet would use his tooth stick [brush] while fasting.

## Fiqh 3.133 a: Fasting, being generous and studying the Qur'an

Being generous and studying the Qur'an is recommended during any time, but it is especially stressed during the month of Ramadan. Al-Bukhari recorded that Ibn 'Abbas said: "The Prophet was the most generous of people, but he would be his most generous during Ramadan when he would meet with [the angel] Gabriel. He would meet with him every night and recite the Qur'an. When Gabriel met him, he used to be more generous than a fast wind."

## Fiqh 3.133 b: Fasting, striving to perform as many acts of worship as possible during the last ten days of Ramadan

Al-Bukhari and Muslim record from 'Aishah that during the last ten days of Ramadan, the Messenger of Allah would wake his wives up during the night and then remain apart from them (that is, being busy in acts of worship). A version in Muslim states: "He would strive [to do acts of worship] during the last ten days of Ramadan more than he would at any other time." At-Tirmizhi also recorded this from 'Ali.

## Fiqh 3.133 c: Fasting, Acts That are Permissible During the Fast

The following acts are permissible for the fasting person:

1 Pouring water over one's self and submersing one's self in water: Abu Bakr ibn 'Abdurrahman reported from a number of companions that they had seen Allah's Messenger pour water over his head while he was fasting due to thirst or extreme heat. This is related by Ahmad, Malik, and Abu Dawud with a sahih chain.

In the two Sahih of al-Bukhari and Muslim, it is related from 'Aishah that the Prophet would rise in the morning on a fasting day and then would perform ghusl (a complete bath). If during the bath some water is swallowed unintentionally, the fast is still valid.

## Fiqh 3.134: Fasting, applying kohl or eyedrops or anything else to the eyes

These acts are all permissible, even if some taste from it finds its way to the throat, as the eyes are not a passageway to the stomach. Anas reported that he would apply kohl while he was fasting. This is the opinion of the Shaf'iyyah. Ibn al-Munzhir records the same opinion from 'Ata, al-Hassan, an-Nakha'i, al-Au~a'i, Abu Hanifah, Abu Thaur, and Dawud. It is related from the following companions: Ibn 'Umar, Anas, and Ibn Abu 'Aufa. According to atTirmizhi, nothing authentic has been related from the Prophet concerning this question.

## Fiqh 3.134 a: Fasting, kissing for one who has the ability to control himself

It is confirmed that 'Aishah said: "The Prophet would kiss and embrace while he was fasting, for he had the most control of all of you over his desires." 'Umar said: "I was excited one time and I kissed [my wife] while I was fasting. I went to the Prophet and said: 'Today I committed a horrendous act--I kissed while I was fasting.' The Prophet asked: 'What do you think of rinsing with water while fasting?' I said: 'There is nothing wrong with that.' The Prophet said: 'Then what is the question about?'"

Ibn al-Munzhir says: " 'Umar, Ibn 'Abbas, Abu Hurairah, 'Aishah, 'Ata, ash-Sha'bi, al-Hassan, Ahmad, and Ishaq permit kissing. The Hanafiyyah and Shaf'iyyah say that it is disliked if it incites one's desires.

If it does not do so, it is not disliked although it is better to avoid it." There is no difference between an old man or a young man in this matter. The question is whether or not the kiss excites one's desires. If it does, it is disliked. If it does not, it is not disliked although it is best to avoid it. It does not matter if the kiss was on the cheek or on the lips, and so on. Touching with the hand or embracing follow the same ruling as kissing.

### Fiqh 3.134 b: Fasting, any type of injection

Injections do not break the fast whether they are for feeding the person or just medicine. It does not matter if the injection was intraveinous or underneath the skin. It also does not matter if what was injected reaches the stomach, as it does not reach the stomach through the customary manner (that food does).

### Fiqh 3.135: Fasting, cupping to drain blood

The Prophet, upon whom be peace, was cupped while he was fasting. However, if doing this weakens the fasting person, it is disliked. Thabit al-Bunani asked Anas: "Did you dislike cupping for a fasting person during the time of the Prophet?" He answered: "No [we did not], unless it made someone weak." This is related by al-Bukhari and others. Vivisection follows the same ruling as cupping.

### Fiqh 3.135 a: Fasting, rinsing the mouth and nose

These acts are allowed in general, but it is disliked to exaggerate (that is, use a lot of water and put the water deep into the mouth or nose while fasting). Laqit ibn Sabra reported that the Prophet said: "Exaggerate when rinsing your nose unless you are fasting." This is related by an-Nasa'i, Abu Dawud, at-Tirmizhi, and Ibn Majah. At-Tirmizhi called it hassan sahih.

Scholars dislike using nose drops (that is, applying medicine through the nose) while one is fasting, for they are of the opinion that it breaks the fast. There is a hadith that supports their opinion.

Ibn Qudamah sums up the various opinions on the subject: "If while gargling or rinsing the nose for the sake of purifying one's self [for example, for prayer] water reaches the throat unintentionally and not due to exaggeration, there is no problem. This is according to al-Auza'i, Ishaq, and one statement from ash-Shaf'i, which is related from Ibn 'Abbas. Malik and Abu Hanifah hold that it breaks the fast because that water reaches the stomach. If he was aware that he was fasting, it breaks his fast, as if he would have drunk intentionally. The first opinion is stronger, since [the water] reached the throat without intention or exaggeration. It is similar to having a fly enter the mouth and proceed to the throat. That differentiates it from an intentional act."

### Fiqh 3.135 b: Those things which one could not protect one's self frorn, such as swallowing one's saliva, the dust of the road, sifting flour and so on are all overlooked

Ibn 'Abbas ruling is that: "There is no problem with tasting liquid food or something you wish to purchase." Al-Hassan used to chew the walnuts for his grandson while he was fasting. Ibrahim also permitted that.

Chewing gum (unlike the one in vogue in the West, it has no sweetness or fragrance) is disliked. The gum must not break into pieces. Those who say that it is disliked include ash-Sha'bi, anNakha'i, the Hanafiyyah, the Shaf'iyyah, and the Hanbaliyyah. 'Aishah and 'Ata permit chewing, as nothing reaches the stomach and it is just like putting pebbles into one's mouth provided it does not break into parts. If a part of it breaks off and enters the stomach, it will break the fast.

Ibn Taimiyyah says: "Smelling perfumes does not harm the fast." Enlarging upon the subject, he says: "As for kohl, injections, drops dropped into the urethra [that is, enemas for medicinal purposes], and treatment for brain and stomach injuries, there is some dispute among the scholars. Some say that none of these break the fast, some say that all except kohl would break the fast, while others say all

except the drops break the fast, or that the kohl or drops do not break the fast but that the rest do." Ibn Taimiyyah continues: "The first opinion on this question is preferred. The most apparent conclusion is that none of them break the fast. The fast is part of the religion of Islam. Both the layman and specialist must be knowledgeable about it. If the preceding actions were forbidden by Allah and His Messenger to the fasting person because they would ruin the fast, then it would have been obligatory upon the Messenger to clarify that fact. If he had done so, his companions would have known about it and would have passed it on to the rest of the Muslims. Since no one has related that not from the Prophet, not with an authentic or a weak hadith, nor in mursal or musnad form then it must be the case that such acts do not void [the fast]." He also says: "If the ruling is one that would affect everyone or everyday matters, then the Prophet would have clarified it to a general audience. It is well-known that kohl was in common use as were oils, washing, incense, and perfume. If they broke the fast, the Prophet would have mentioned them, as he mentioned other things [that break the fast]. Since he did not do so, they belong to the class of perfumes, incense, and dyes. Incense goes through the nose and enters the head and lands on the body. Dyes or oils are absorbed by the skin and the body is refreshened by it. The case of perfumes is similar. Since these have not been [explicitly] prohibited to the fasting person, it points to the fact that using them is permissible for the fasting person and so is kohl. The Muslims during the time of the Prophet would injure themselves, either from jihad or otherwise, and would injure their stomachs or skulls. If that would have ended their fasts, it would have been made clear to them [by the Prophet].

Since that was not prohibited for the fasting person, it must not break the fast." Ibn Taimiyyah continues: "No one eats kohl and no one causes it to enter his stomach--neither through his nose nor through his mouth. Anal enemas are also not taken as food. Indeed, it helps the body to release whatever is in the intestines and it does not reach the stomach. Any medicine that is used to treat stomach wounds or head injuries [that is taken orally] is not considered similar to food. Allah says in the Qur'an: 'Fasting is prescribed for you as it was prescribed for those before you.' The Prophet, upon whom be peace, said: 'Fasting is a shield,' and, Verily, Satan rushes through the body like the flowing of the blood [in the body]. You should constrict his rushing by hunger and fasting.' To increase his Allah-consciousness a fasting person must not eat or drink because food and drink cause the veins to fill up with blood in which Satan circulates [in one's body]. They become easier for Satan through eating and drinking, not from enemas, kohl, or medicines applied through the penis or used to treat stomach and brain injuries."

## Fiqh 3.137: Fasting, the fasting person can eat, drink, and perform sexual intercourse until fajr

If someone has food in his mouth when fajr is beginning, he should spit it out. If he is having intercourse (with his wife) at that time, he should immediately stop. If he does so, his fast will still be valid. If he continues in these actions at that time, he will have broken his fast. Al-Bukhari and Muslim record from Aishah that the Prophet said: "Bilal makes the call to prayer while it is still night; therefore, eat and drink until Ibn Umm Maktum makes the call to prayer."

## Fiqh 3.137 a: It is permissible for the fasting person to be sexually defiled in the morning (that is, a person is not required to perform ghusl before fajr)

The hadith from 'Aishah on this point has already been mentioned.

## Fiqh 3.137 b: Menstruating or post-childbirth bleeding women

If the blood of a menstruating woman or of a woman with post-childbirth bleeding stops during the night, she can delay ghusl until the morning and still fast but, she must perform ghusl before the morning prayer.

## Fiqh 3.138: Actions that Void the Fast

The actions that void the fast may be divided into two types:

1 those which void the fast and require that the day be made up later, and

2 those which void the fast and, in addition to being made up, also require an act of expiation.

### Fiqh 3.138 a: Intentional eating or drinking

If one eats due to forgetfulness, a mistake, or coercion, then he does not have to make up the day later or perform any expiation. Abu Hurairah reported that the Prophet said: "Whoever forgets he is fasting, and eats or drinks is to complete his fast, as it was Allah who fed him and gave him something to drink." This is related by the group.

Commenting on it, at-Tirmizhi says: "Most of the scholars act according to this hadith. It is the opinion of Sufyan ath-Thauri, ash-Shaf'i, Ahrnad, and Ishaq."

Abu Hanifah reported that the Prophet said: "Whoever breaks his fast during Ramadan due to forgetfulness is not to make up the day later or to perform any expiation." This is related by ad-Daraqutni, al-Baihaqi, and al-Hakim, who says that it is sahih according to Muslim's criterion. Ibn Hajr says that its chain is sahih.

Ibn 'Abbas reported that the Prophet said: "Allah will not hold anyone of this nation responsible for what is done in error, forgetfulness or under coercion." This is recounted by Ibn Majah, at-Tabarani, and al-Hakim.

### Fiqh 3.138 b: Fasting, intentional vomiting

If one is overcome and vomits unintentionally, he does not have to make up the day later on or perform the acts of expiation. Abu Hurairah reported that the Prophet, upon whom be peace, said: "Whoever is overcome and vomits is not to make up the day." Whoever vomits intentionally must make up the day." This is related by Ahmad, Abu Dawud, at-Tirmizhi, Ibn Majah, Ibn Hibban, ad-Daraqutni, and al-Hakim. The latter called it sahih.

Of the report's credibility, al-Khattabi says: "I do not know of any difference of opinion among the scholars on this point. If one vomits unintentionally he is not in need of making up the day, while one who vomits intentionally must make up the day later."

### Fiqh 3.139: Fasting, the menses and post-childbirth bleeding

Even if such bleeding begins just before the sunset, the fast of that day is rendered void and the day must be made up. There is a consensus of scholars on this point.

### Fiqh 3.139 a: Fasting, ejaculation of sperm

Ejaculation voids the fast even if it was just due to kissing, hugging, or masturbation, and the day must be made up. If the ejaculation was due to looking at or thinking about something, then it is like having a wet dream during the day and it, therefore, does not void the fast nor is there any requirement on the person. Similarly, ejaculation of seminal fluid does not harm the fast in any way.

### Fiqh 3.139 b: Eating something that is not nourishing, such as salt

Someone who uses a lot of salt for a reason other than eating, in which it goes down to the stomach, breaks the fast according to most scholars.

### Fiqh 3.139 c: If one has the intention, while he is fasting, to break the fast, he in effect voids the fast even if he does not actually eat anything

This is because the intention is one of the pillars of the fast and, if one changes his intention, he has nullified his fast.

### Fiqh 3.139 d: If one eats, drinks, or has intercourse, thinking that the sun has set or that fajr has not occurred

In such cases, according to most scholars and the four imams, that person is to make up that day. However, there is a difference of opinion on this point. Ishaq, Dawud, Ibn Hazm, 'Ata, 'Urwah, al-Hassan al-Basri, and Mujahid maintain that such a fast is sound and that the person need not make up the day later. They base their opinion on the fact that Allah says in the Qur'an: "And there is no sin for you in the mistakes you make unintentionally, but what your hearts purpose [that will be a sin for you]."

### Fiqh 3.139 e: Unintentional mistakes

The Messenger of Allah, upon whom be peace, said: "Allah will not hold anyone of this nation responsible for what is done by mistake . . ."

'Abdurrazaq related that Mamar reported from al-Amash that Zaid ibn Wahb said: "The people broke their fast during the time of 'Umar ibn al-Khattab. I saw a big pot being brought from Hafsah's house and the people drank. Then the sun appeared from behind the clouds and this distressed the people. They said: 'We have to make up this day.' 'Umar asked: 'Why? By Allah, we have not involved ourselves in any sin.' "

Al-Bukhari records that Asma' bint Abu Bakr said: "We broke the fast of Ramadan when it was cloudy during the time of the Prophet, and then the sun appeared again."

Commenting on the subject, Ibn Taimiyyah says: "This points to two things:

1 that it is not preferred for one to delay breaking the fast until one is absolutely certain that the sun has set . . . and

2 that it is not necessary to make up such a day. If the Prophet would have ordered them to make up that day, it would have become public knowledge. The fact that it has been related that they broke their fast [and that it has not been related that they were ordered to make up that day] points to the fact that they were not ordered to make up that day."

The only action, according to most scholars, which requires that both the day be made up and the act of expiation be performed is having sexual intercourse during a day of Ramadan.

Abu Hurairah reported that a man came to the Messenger of Allah and said: "I am destroyed, O Messenger of Allah!" The Prophet asked: "What has destroyed you?" He said, "I had intercourse with my wife during a day of Ramadan." The Prophet asked: "Are you able to free a slave?" He said, "No". The Prophet asked: "Is it possible for you to fast for two consecutive months?" He said, "No." The Prophet asked: "Is it possible for you to feed sixty poor people?" He said, "No." The Prophet said: "Then sit." A basket of dates was brought to the Prophet and he said to the man: Give this in charity. The man said: "To someone poorer than us? There is no one in this city who is poorer than us!" The Prophet laughed until his molar teeth could be seen and said: "Go and feed your family with it." This is related by the group.

Most scholars say that both men and women have to perform the acts of expiation if they intentionally have intercourse during a day of Ramadan on which they had intended to fast. If they had intercourse out of forgetfulness or not due to choice--that is, due to coercion, or they did not have the intention to fast, then the expiation is not obligatory on either one of them. If the woman was forced to have intercourse by the man, the expiation will be obligatory only upon the man.

According to ash-Shaf'i, the expiation is not obligatory upon the woman in any case--that is, regardless if it was due to choice or coercion, and she need only make up the day of fasting that she voided. An-Nawawi says: "The most authentic opinion, in general, is that the expiation is obligatory upon the man only and that there is nothing upon the woman. There is nothing obligatory on her in relation to this matter, as it is a matter of [paying] money [due to something related to] sexual intercourse and this refers to the duty of the man and not the woman. [In this way,] it is similar to the case of dowry."

Abu Dawud says: "Ahmad was asked about someone who had sex during Ramadan: 'Is there any expiation upon the woman?' He said: 'I have not heard of any.' " In al-Mughni it is stated: "This refers to the fact that the Prophet ordered the man who had had sexual intercourse to free a slave. He did not order the woman to do anything, although he obviously knew that she was a partner in the act."

According to most scholars, acts of expiation must be performed in the order that was mentioned in the hadith. The first command is to free a slave. If this is not possible, the person is to fast for two consecutive months. If that is not possible, the person is to feed sixty poor people with meals that are similar to an average meal in his household. The person cannot jump from one act to another unless he is not able to perform the prior order commanded. According to the Malikiyyah and a narration from Ahmad, the person is free to choose any of the above three acts and that will be sufficient for him.

This latter opinion is based on the report from Malik and Ibn Juraij on the authority of Humaid ibn 'Abdurrahman who reported that Abu Hurairah narrated that a man broke his fast during Ramadan and the Prophet ordered him, as an expiation, to free a slave or fast two months consecutively or to feed sixty poor people. This is related by Muslim.

In the preceding hadith, the word "or" implies choice, but according to some, the reason for the expiation to be performed was different and therefore the person could choose, as in the case of the expiation for breaking an oath. Ash-Shaukani says: "In the different narrations, there is evidence that the expiation is to be performed in order or according to one's choice. Those who relate it to be in order are more in number. Al-Muhallab and al-Qurtubi combined the narrations and said that the event [of someone breaking the fast] occurred more than once."

Al-Hafizh differs: "This is not correct. It was just one event and the parts are all united. So the crux of the matter is that there was not more than one event. Some combine the reports and say that following the order is preferred, but that one may choose. Others say the opposite."

Whoever has sexual intercourse (with his wife) on a day of Ramadan and, before he performs the act of expiation, has intercourse on another day of Ramadan, need only perform one act of expiation according to a narration from Ahmad and the Hanafiyyah. This is because there is a punishment for acts that are repeated, and if the expiation or punishment is not carried out, all the acts are taken together as one. According to Malik, ash-Shaf'i, and Ahmad, the person must perform the expiation twice, as each day of Ramadan is a separate act of worship. If the expiation is obligatory because the person voided the fast, the separate acts are not combined together.

All scholars agree that if the person intentionally had intercourse during a day of Ramadan and has performed the expiation and then has intercourse on another day of Ramadan, then another expiation becomes obligatory upon him. Similarly, they are in agreement that if one has intercourse twice during a day, before performing the expiation for the first act, then he need only perform one act of expiation. If he has performed the expiation for the first one, then he need not perform an act of expiation for the second, according to most scholars. Ahmad says that in such a case, he must perform a total of two acts of expiation.

## Fiqh 3.142: Making Up Missed Days of Ramadan

Making up missed days of Ramadan is an obligation that need not be fulfilled immediately because the time for fulfilling is very wide and one may perform it at any time. This is also the case with the fast of expiation. It has been authentically reported that 'Aishah would make up her missed days during the month of Sha'ban (the month preceding Ramadan), and that she did not perform them immediately

even if she had the ability to do so.

Observing the fast of Ramadan and making up the days are the same with respect to the fact that if one day of Ramadan is missed, then only one day needs to be made up. There is no additional penalty. They differ about the fact that when a person makes up the missed days he need not do so on consecutive days. This is because Allah says: "For him who is sick or on a journey, [the same] number of other days"--that is, whoever is sick or traveling and breaks the fast must fast the same number of days that he missed, consecutively or unconsecutively.

Allah has ordered the fast in a general manner without any restricting clauses.

As for making up the missed days of Ramadan, ad-Daraqutni recorded from Ibn 'Umar that the Prophet said: "If you wish, make them on nonconsecutive days and if you wish on consecutive days."

If one delays performing the missed days of fasting until the next Ramadan comes, he is to fast the present Ramadan and then make up the days from the previous Ramadan. There is no ransom payment to be made, regardless of whether the person delayed the fasting due to some acceptable excuse or not. This is the opinion of the Hanafiyyah and al-Hassan al-Basri. Malik, ash-Shaf'i, Ahmad, and Ishaq agree that there is no ransom payment if the fasting was delayed due to some excuse, but they differ when the fasting was delayed without any acceptable excuse. In such a case, according to them, the person should fast the present Ramadan and then make up the days he missed from the previous Ramadan along with a ransom payment of a mudd of food given in charity each day. It should be noted that they have no acceptable evidence for that opinion. Apparently, the correct opinion is that of the Hanafiyyah, as there is no lawmaking without an authentic legal text to support it (that is, a Qur'anic verse or hadith).

## Fiqh 3.143: Whoever dies and still had some days of Ramadan to make up

The scholars agree that if an individual dies and has missed some prayers during his life, his guardian or heir is not to perform those prayers on his behalf. Similarly, if one does not have the ability to fast, no one is to fast for him while he is alive. There is a difference of opinion over the case of one who dies and has not made up some days of fasting although he had the ability to do so.

Most scholars, including Abu Hanifah, Malik, and the Shaf'iyyah, say that the guardian or heir is not to fast on such a person's behalf, but is to feed one person a day for the missed days. The chosen opinion, however, among the Shaf'iyyah is that it is preferred for the guardian to fast on the deceased's behalf, thus fulfilling his duty. There is therefore no need for him to feed anyone.

The meaning of guardian is near relative, whether it be an agnate or an heir or someone else. If a non-relative fasts for the deceased, it will only be valid if he got the permission of the guardian.

The proof for the preceding is what Ahmad, al-Bukhari, and Muslim recorded from 'Aishah. The Messenger of Allah, upon whom be peace, said: "If one dies and has some fasts to make up, then his guardian' should fast on his behalf." Al-Bazzar added the words: "If he wishes to do so, while Ibn 'Abbas related that a man came to the Prophet and said: "O Messenger of Allah, my mother died and a month's fasting was due from her. Should I fast on her behalf?" The Prophet asked: "If your mother had a debt would you fulfill it for her?" He said, "Yes." The Prophet observed: "A debt to Allah has more of a right to be fulfilled." This is related by Ahmad, atTirmizhi, an-Nasa'i, Abu Dawud, and Ibn Majah.

An-Nawawi [one of the most knowledgeable of the Shaf'iyyah] says: "That statement is the most authentic one, and we follow it. This is the opinion that has been determined to be correct according to our companions in both hadith and fiqh."

## Fiqh 3.144: Places where the day is extremely long and the night is short

Scholars differ about what the Muslims who are in areas where the day is extremely long and the night

is short should do. What timings should they follow? Some say they should follow the norms of the areas where the Islamic legislation took place--that is, Makkah or Madinah. Others say they should follow the timings of the area that is closest to them which has normal days and nights.

### Fiqh 3.144 a: Night of Qadr, its virtue

The night of qadr is the most virtuous night of the year. Allah says in the Qur'an: "We revealed it on the night of power [that is, qadr]. What will tell you what the night of power is? It is better than a thousand months." Any action therein, for example, reciting the Qur'an, making remembrance of Allah, and so on, is better than acting for one thousand months which do not contain the night of qadr.

### Fiqh 3.145: Night of Qadr, it is preferred to seek this night

It is preferred to seek this night during the last ten nights of Ramadan, as the Prophet, upon whom be peace, strove his best in seeking it during that time. We have already mentioned that the Prophet would stay up during the last ten nights, would wake his wives, and then would remain apart from them to worship.

### Fiqh 3.145 a: Night of Qadr, which night is it?

Scholars hold different opinions as to the night which is the night of qadr. Some are of the opinion that it is the 21st, some say the 23rd, others say the 25th and still others say it is the 29th. Some say that it varies from year to year but it is always among the last ten nights of Ramadan. Most scholars, though, vouch for the 27th.

Ahmad recorded, with a sahih chain, from Ibn 'Umar that the Prophet said: "He who likes to seek that night should do so on the 27th. Ubayy ibn K'ab said: By Allah, and there is no God but Him, it is during Ramadan--and He swore to that--and by Allah, I know what night it is. It is the night during which the Prophet ordered us to make prayers, the night of the 27th. Its sign is that the sun rises in the morning white and without any rays." This is related by Muslim, Abu Dawud, Ahmad, and by at-Tirmizhi who called it sahih.

### Fiqh 3.145 b: Night of Qadr, praying and making supplications during the night of qadr

Al-Bukhari and Muslim record from Abu Hurairah that the Prophet, upon whom be peace, said: "Whoever prays during the night of qadr with faith and hoping for its reward will have all of his previous sins forgiven."

As to the supplication during the night of qadr, 'Aishah said: "I asked the Messenger of Allah: 'O Messenger of Allah, if I know what night is the night of qadr, what should I say during it?' He said: 'Say: O Allah, You are pardoning and You love to pardon, so pardon me.' " This is related by Ahmad, Ibn Majah, and by atTirmizhi, who called it sahih.

### Fiqh 3.147: I'tikaf, its meaning

I'tikaf means to stick to something, whether good or bad, and to block out everything else. Allah says in the Qur'an: "What then are images that you pay devotion [akifun] to them?" [alAnbia' 52]--that is, what they devoted themselves to in worship. What is meant here is the seclusion and staying in the mosque with the intention of becoming closer to Allah.

### Fiqh 3.147 a: I'tikaf, its legitimacy

All scholars agree on its legitimacy. The Prophet would perform i'tikaf for ten days every Ramadan. In the year that he died, he performed it for twenty days. This is related by alBukhari, Abu Dawud, and ibn-Majah. The Prophet's companions and wives performed i'tikaf with him and continued to do so after

his death. Even though it is an act which is done to get closer to Allah, there is no sound hadith concerning its merits. Abu Dawud states: "I said to Ahmad, 'Are you aware of anything concerning the virtues of i'tikaf?' He answered: 'No, except for some weak [reports].' "

### Fiqh 3.147 b: I'tikaf, the different types of i'tikaf

I'tikaf is of two types: sunnah and obligatory. The sunnah i'tikaf is that which the Muslim performs to get closer to Allah by following the actions of the Prophet, upon whom be peace, especially during the last ten days of Ramadan. The obligatory i'tikaf is that which the person makes obligatory upon himself. This may be done, for example, by an oath: "For Allah I must make i'tikaf," or by a conditional oath: "If Allah cures me, I shall make i'tikaf ..." In Sahih al-Bukhari it is reported that the Prophet, upon whom be peace, said: "Whoever makes an oath to obey Allah should be obedient to Him." 'Umar said: "O Messenger of Allah, I made an oath to perform i'tikaf one night in the mosque at Makkah." The Prophet, upon whom be peace, said: "Fulfill your oath."

### Fiqh 3.148: I'tikaf, the length of i'tikaf

The obligatory i'tikaf is to be as long as the oath states it to be. If one makes an oath to make i'tikaf for one day or more, he is to fulfill that length of time.

### Fiqh 3.149: I'tikaf, the sunnah or preferred i'tikaf has no specific time limit

It can be fulfilled by staying in the mosque with the intention of making i'tikaf for a long or short time. The reward will be according to how long one stays in the mosque. If one leaves the mosque and then returns, he should renew his intention to perform i'tikaf. Ya'la ibn Umayyah said: "I secluded myself in the mosque for some time for i'tikaf." 'Ata told him: "That is i'tikaf, as long as you secluded yourself there. If you sit in the mosque hoping for good, it is i'tikaf. Otherwise, it is not." One who is performing the nonobligatory i'tikaf may end his i'tikaf at any time, even if it is before the period he intended to stay. 'Aishah related that if the Prophet intended to make i'tikaf, he would pray the morning prayer and begin it. One time he wanted to make i'tikaf during the last ten nights of Ramadan, and he ordered his tent to be set up. Aishah reported: "When I saw that, I ordered my tent to be set up, and some of the Prophets wives followed suit. When he [the Prophet] prayed the morning prayer, he saw all of the tents, and said: "What is this?" They said: "We are seeking obedience [to Allah and His Messenger]." Then he ordered his tent and those of his wives to be taken down, and he delayed his i'tikaf to the first ten days [of Shawwal]." The fact that the messenger of Allah ordered his wives' tents to be struck down and asked them to leave the i'tikaf after they have made the intention for it shows that they discarded the i'tikaf after they had begun it. The hadith also shows that a man may prevent his wife from preforming i'tikaf if she did not get his permission to perform it. There is a difference of opinion over the case of the man granting permission to his wife and then rescinding it. According to ashShaf'i, Ahmad, and Dawud, this is permissible for the husband, and the wife must leave her i'tikaf in such case.

### Fiqh 3.149 a: I'tikaf, the condition for i'tikaf

The one who preforms i'tikaf must be a Muslim adult, a discerning child who is free of sexual defilement, or an adolescent who is free of menstrual or childbirth bleeding. I'tikaf is not acceptable from an unbeliever, a non-discerning child, a sexually defiled person, a menstruating woman with post-childbirth bleeding.

### Fiqh 3.149 b: I'tikaf, the principles of i'tikaf

I'tikaf will be fulfilled if a person stays in the mosque with the intention of becoming closer to Allah. If the person is not in the mosque or did not do it with the intention to please Allah, it is not i'tikaf. The fact that the intention is obligatory is proven by Allah words: "They are ordained nothing else than to serve Allah, keeping religion pure for Him." The Prophet said: "Every action is according to the intention [behind it] and for everyone is what he intended."

Certainly, i'tikaf must be done in the mosque, as Allah says: "And do not touch and be at your devotions in the mosque [alBaqarah 178]." This 'ayah proves that if it were proper for i'tikaf to be performed elsewhere, why would Allah exclusively disallow coming to one's wife during i'tikaf. The answer is that since such an act would nullify i'tikaf (no matter where it is peformed), it is clear that i'tikaf itself must be in the mosque.

### Fiqh 3.149 c: The opinion of the jurists concerning the mosques in which the i'tikaf is to be performed

There is a difference of opinion among the jurists concerning what mosques are acceptable for i'tikaf. According to Abu Hanifah, Ahmad, Ishaq, and Abu Thaur, i'tikaf is valid in any mosque in which the five prayers are held and which has a congregation. This is based on the hadith of the Prophet: "Every mosque that has a caller to prayer and an imam is acceptable for i'tikaf." This is related by ad-Daraqutni, but the hadith is mursal and weak and cannot be used as a proof.

Malik, ash-Shafi, and Dawud say that it is acceptable in any mosque, as there is no proof that restricts it to any particular mosques. The Shaf'iyyah say it is better to perform i'tikaf in a congregational mosque, as the Prophet, upon whom be peace, performed i'tikaf in such a mosque, and because the nwnber of those who attend the prayers in such a mosque is greater. If the period of i'tikaf includes the time for the Friday prayer, then one must perform it in the congregational mosque in order not to miss the Friday prayer.

The person making i'tikaf may make the call to prayer if the place from whence the call is made is either the door of the mosque or its interior courtyard. He may also go to the roof of the mosque, as all of that is considered part of the mosque. If the place for the call to prayer is outside of the mosque, and the mu'takif makes the call, he will void his i'tikaf. The exterior courtyard is considered part of the mosque according to the Hanafiyyah and Shaf'iyyah and one narration from Ahmad. According to Malik and another narration, it is not part of the mosque and the person making i'tikaf should not go there.

Most scholars say that it is not correct for a woman to make i'tikaf in the mosque in her house (that is, the special place of her house where she performs her prayers) because the mosque in her house usually does not fall in the category of mosques and can be sold. There is no difference of opinion on this point. The wives of the Prophet always performed their i'tikaf in the Prophet's mosque.

### Fiqh 3.150: I'tikaf, the Beginning and Ending of i'tikaf

We have already mentioned that the voluntary i'tikaf does not have any specific time period. Whenever a person enters the mosque and makes the intention of becoming closer to Allah by staying there, he will be peforming i'tikaf until he leaves. If he has the intention to perform i'tikaf during the last ten days of Ramadan, he should begin it before the sun sets. Al-Bukhari records from Abu Sa'id that the Prophet, upon whom be peace, said: "Whoever makes i'tikaf with me is to make i'tikaf during the last ten [nights]." The ten refers to the last ten nights which begin on the night of the 20th or the 21st.

Concerning the statement that when the Prophet desired to make i'tikaf he would pray the morning and then go to the place of his i'tikaf, it means that he used to enter the place which he had prepared for his seclusion, but the actual time that he entered the mosque for his seclusion was during the beginning of the night.

According to Abu Hanifah and ash-Shafi, whoever performs i'tikaf during the last ten days of Ramadan must leave the mosque after sunset on the last day of the month. Malik and Ahmad say that it is acceptable to leave after sunset, but they prefer for the person to remain in the mosque until the time for the 'id prayer.

Al-'Athram records from Abu Ayyub that Abu Qulabah would stay in the mosque on the night before the 'id prayer and would then go to the 'id prayer. During his i'tikaf, he had no mat or prayer carpet to sit on. He used to sit like anyone else. Abu Ayyub said: "I came to him on the day of 'id and on his lap was

Juwairiyah Muzinah. I thought it was one of his daughters, but it was a slave that he had freed, and he came that way to the 'id prayer." Ibrahim said: "The people preferred that one who performed i'tikaf during the last ten days of Ramadan stay in the mosque on the night of 'id and then proceed to the 'id prayer from the mosque.

If an individual makes a vow to perform i'tikaf for a specific period of days, or he wants to do so voluntarily, then he should begin his i'tikaf before dawn and leave when all the sun's light has gone, regardless of whether that be during Ramadan or at another time. If he vowed to perform i'tikaf for a night or a specified number of nights, or if he wants to do so voluntarily, then he should begin his i'tikaf before the sun has completely set and may leave when it is clear that dawn has begun. Ibn Hazm says: "The night begins when the sun sets and ends with dawn. The day begins with dawn and is completed by sunset. This is not a condition upon anyone unless he desires or intends to fulfill it. If one vows or wants to make i'tikaf voluntarily for a month, he should begin during the first night of the month. He should enter the mosque before the sun has completely set and may leave after the sun has completely set at the end of the month--regardless of whether it is Ramadan or otherwise."

## Fiqh 3.151: What is preferred for the person who is fasting and what is disliked for him?

It is preferred for the one who is making i'tikaf to perform many supererogatory acts of worship and to occupy himself with prayers, reciting the Qur'an, glorifying and praising Allah, extolling His oneness and His greatness, asking His forgiveness, sending salutations on the Prophet, upon whom be peace, and supplicating Allah--that is, all actions that bring one closer to Allah. Included among these actions is studying and reading books of tafsir and hadith, books on the lives of the Prophets, upon whom be peace, books of fiqh, and so on. It is also preferred to set up a small tent in the courtyard of the mosque as the Prophet did.

It is disliked for one to engage himself in affairs that do not concern him. At-Tirmizhi and Ibn Majah record on the authority of Abu Basrah that the Prophet said: "Part of a man's good observance of Islam is that he leave alone that which does not concern him." It is, however, disliked for a person to think that he can draw closer to Allah by not speaking. Al-Bukhari, Abu Dawud, and Ibn Majah record from Ibn 'Abbas that while the Prophet was delivering a speech, he saw a man standing and asked about him. The people said: "He is Abu Israel. He has vowed to stand and not to sit, and not to speak, and to fast." The Prophet said: "Order him to speak, go to the shade, to sit, and to complete his fast." Abu Dawud related from 'Ali that the Prophet said: "There is no orphanhood after one has passed the age of maturity, and there is no non-speaking for a day until the nightfall."

## Fiqh 3.152: Fasting while performing i'tikaf

It is good for the person performing i'tikaf to fast, but he is not under any obligation to do so. Al-Bukhari records from Ibn 'Umar that 'Umar said: "O Messenger of Allah, during the days of ignorance I vowed to perform i'tikaf one night in the mosque at Makkah. The Prophet said: 'Fulfill your vow.' " This statement of the Prophet, upon whom be peace, shows that fasting is not a condition for i'tikaf; otherwise, performing i'tikaf at night would not be valid. Sa'id ibn Mansur records that Abu Sahl said: "One of my wives was to perform i'tikaf, so I asked 'Umar ibn 'Abdulaziz about it. He said: 'She need not fast, unless she imposes it upon herself.' Az-Zuhri said: 'There is no i'tikaf save while fasting.' 'Umar asked: 'Is this from the Prophet?' Az-Zuhri answered, 'No.' 'Umar asked, 'From Abu Bakr?' Az-Zuhri said,'No.' 'Umar asked [again], 'From 'Umar [ibn al-Khattab]?' Az-Zuhri said, 'No.' 'Umar said: 'I suspect he said it from 'Uthman?' Az-Zuhri said, 'No.' I [Abu Sahl] left them and met 'Ata and Tawus and asked them about it. Tawus said: 'A person would see that he did not have to fast unless he imposed it on himself.'"

Al-Khattabi acknowledges [the differences on the issue]: "There is a difference of opinion among the people on this point."

Al-Hassan al-Basri holds: "Performing i'tikaf without fasting suffices. That is also the opinion of ash-Shaf'i."

'Ali and Ibn Mas'ud maintain: "If one wishes, one may fast and if one does not wish to, one does not have to."

Al-Auza'i and Malik hold: "There is no i'tikaf without fasting, and that is the conclusion of the people of opinion. That has been related from Ibn 'Umar, Ibn 'Abbas, and 'Aishah, and it is the opinion of Sa'eed ibn al-Musayyeb, 'Urwah ibn az-Zubair, and az-Zuhri."

### Fiqh 3.152 a: Permisible Acts for the Mu'takif

The following acts are perrnissible for one who is making i'tikaf:

1 The person may leave his place of i'tikaf to bid farewell to his wife. Safiyyah reported: "The Prophet was performing i'tikaf and I went to visit him during the night. I talked to him and then I got up to go. He got up with me and accompanied me to my house. (Her residence was in the house of Usamah ibn Zaid. Two men of the Ansar passed by them and when they saw the Prophet they quickened their pace.) The Prophet said: 'Hold on, she is Safiyyah bint Haya.' They said: 'Glory be to Allah, O Messenger of Allah twe did not have any doubt about you].' The Prophet, upon whom be peace, said: 'Satan flows in the person like blood. I feared that he might have whispered some [slander] into your heart.'" This is related by al-Bukhari, Muslim, and Abu Dawud.

2 Combing and cutting one's hair, clipping one's nails, cleaning one's body, wearing nice clothes or wearing perfume are all permissible. 'Aishah reported: "The Prophet was performing i'tikaf and he would put his head out through the opening to my room and I would clean [or comb in one narration] his hair. I was menstruating at the time." This is related by al-Bukhari, Muslim, and Abu Dawud.

3 The person may go out for some need that he must perform. 'Aishah reported: "When the Prophet performed i'tikaf, he brought his head close to me so I could comb his hair, and he would not enter the house except to fulfill the needs a person has." This is related by al-Bukhari, Muslim, and others.

Ibn al-Munzhir says: "The scholars agree that the one who performs i'tikaf may leave the mosque in order to answer the call of nature, for this is something that he personally must perform, and he cannot do it in the mosque. Also, if he needs to eat or drink and there is no one to bring him his food, he may leave to get it. If one needs to vomit, he may leave the mosque to do so. For anything that he must do but cannot do in the mosque, he can leave it, and such acts will not void his i'tikaf, even if they take a long time. Examples of these types of acts would include washing one's self from sexual defilement and cleaning his body or clothes from impurities."

Sa'id ibn Mansur records that 'Ali said: "If a person is performing i'tikaf, he is to attend the Friday congregational prayer, be present at funerals, visit the ill and go to see his family about matters that are necesssary, but he is to remain standing [while visiting them]." 'Ali helped his nephew by giving him 700 dirhams to buy a servant and the nephew said: "I am performing i'tikaf ". 'Ali said: "What blame would there be upon you if you go to the market to buy one?" Qatadah used to permit the person who was performing i'tikaf to follow the funeral procession and to visit the sick, but not to sit while doing so. Ibrahim an-Nakha'i says that they preferred that the person who was performing i'tikaf do the following deeds and he was allowed to do them even if he did not do them to visit the sick, to attend the Friday prayers, to witness the funerals, to go out to meet his needs, and not to enter a place that has a ceiling. He said: "The one who is performing i'tikaf should not enter a roofed place unless there is a need to do so." Al-Khattabi says: "A group of people say that the person performing i'tikaf may attend the Friday prayer, visit the ill, and witness funerals. This has been related from 'Ali, and it is the opinion of Sa'id ibn Jubair, al-Hassan al-Basri, and an-Nakha'i." Abu Dawud records from 'Aishah that the Prophet would visit the sick while performing i'tikaf. He would visit them without steering away from his path. It has also been related from her that it is sunnah for the person not to leave his place of i'tikaf and visit the sick. This means that the person is not to leave his place of i'tikaf with the sole intention of visiting the sick, but if he passes by him, he may ask about him provided it is not out of his way.

4 The person may eat, drink, and sleep in the mosque, and he should also keep it clean. He may make

contracts for marriage, buying, selling, and so on.

## Fiqh 3.154: Actions that Nullify the I'tikaf

If a person performs one of the following acts, his i 'tikaf will be nullified:

1 Intentionally leaving the mosque without any need to do so, even if it is for just a short time. In such a case, one would not be staying in the mosque, which is one of the principles of i'tikaf.

2 Abandoning belief in Islam, as this would nullify all acts of worship. If you ascribe a partner to Allah, your work will fail and you will be among the losers.

3 Losing one's reason due to insanity or drunkenness, or the onset of menstruation or post-childbirth bleeding, all of which disqualifies a person for i'tikaf.

4 Sexual intercourse. Allah says: "But touch them not [that is, your wives] and be at your devotions in the mosque."

However, one may touch his wife without there being any desires. One of the Prophet's wives would comb his hair while he was performing i'tikaf. As for kissing or touching due to desire, Abu Hanifah and Ahmad say that it is not desirable, for it leads to something that is forbidden for the one performing i'tikaf. However, it does not nullify it unless one ejaculates. Malik says that it nullifies the i'tikaf, for it is an illegal touch regardless of whether the person involved ejaculates or not. From ash-Shaf~i there are two reports that correspond to the two preceding opinions.

Ibn Rushd explains that: "The reason for their differences of opinion is [the (fact) that] if a word has more than one meaning, one being literal and the other figurative, does the word apply at one time to all of them or not? This is one of the types of words that have more than one meaning. Those who say that it carries both meanings interpret 'touch' in the 'ayah . . . 'and touch them not and be at your devotions in the mosque' in the unrestrictive sense--that is, covering both sexual intercourse and also actions [of touching] that are less than that. Those who don't say it carries all of its meanings and they are the majority say that the 'ayah points to sexual intercourse or to touching that is less than intercourse. If we say that it refers to sexual intercourse by consensus, then this nullifies the possibility of it referring to actions less than intercourse, as one [single] word could not be taken in its literal and figurative meaning [at the same time]. Those who say that what is less than sexual intercourse is included say so because it falls under the literal meaning of the verse. Those who differ do not take the word in its literal and figurative meaning at the same time.

## Fiqh 3.155: Making Up I'tikaf

If an individual intends to perform a voluntary i'tikaf and then ends it before he completes it, he should make up that i'tikaf later. Some say that it is obligatory to do so.

Writing on the subject, at-Tirmizhi says: "There is a difference of opinion about a person who ends his i'tikaf before his intended time has expired." Malik holds: "If he ends his i'tikaf [early], it is obligatory upon him to make it up. He uses as proof the hadith which states that when the Prophet abandoned his i'tikaf, he made it up during the following month of Shawwal." Ash-Shaf'i states: "If he did not vow to perform i'tikaf or he did not make it obligatory upon himself, and then he left it early, he does not have to make it up unless he chooses to do so." He continues: "One does not have to undertake this act. If he did and then left it, he need not make it up [since it was voluntary], except for the case of hajj and 'umrah." Notwithstanding this, the imams agree that if one makes a vow to perform i'tikaf for a day or a number of days and then voids his i'tikaf, it is obligatory upon him to make it up whenever he can. If he dies before he makes it up, then no one is obliged to make it up on his behalf. On the other hand, Ahmad argues: "It is obligatory on his inheritors to make it up on his behalf. 'Abdurrazzaq related from 'Abdulkarim ibn Umayyah who said he heard 'Abdullah ibn 'Abdullah ibn 'Utbah say: "Our mother died while she still had some i'tikaf to perform. I asked Ibn 'Abbas and he said: 'Perform i'tikaf on her behalf

and fast.'" Sa'id ibn Mansur recorded that 'Aishah performed i'tikaf on behalf of her brother after his death.

### Fiqh 3.156: Retiring of the Mu'takif to the Mosque and Setting Up of a Tent

Ibn Majah recorded from Ibn 'Umar that the Prophet made i'tikaf during the last ten days of Ramadan. Nafi' reported: "Ibn 'Umar showed me the place where the Prophet would perform his i'tikaf."

He also reported that when the Prophet performed i'tikaf, he would spread out his bed behind the repentance pole (that is, the pole that a companion had tied himself to until Allah accepted his repentance).

Abu Sa'id reported that the Prophet performed i'tikaf under a Turkish tent which had something over its openings.

### Fiqh 3.156 a: Making a Vow to Perform I'tikaf in a Specific Mosque

If someone makes a vow to perform i'tikaf in the Masjid alHaram (in Makkah), the Prophet's Mosque (in Madinah), or in the Aqsa Mosque (in Jerusalem), he is to fulfill his vow, as the Prophet said: "One should not undertake journeys except to three mosques: the Masjid al-Haram, the Aqsa mosque, or this mosque."

If someone vows to perform i'tikaf in another mosque, it is not obligatory on him to fulfill it and he may perform that i'tikaf in any mosque, for Allah did not specify any particular place for His worship, and there is no superiority of one mosque over another (with the exception of the three mosques mentioned earlier). It has been confirmed that the Prophet said: "A prayer in my mosque is superior to one thousand prayers in any other mosque but the Masjid alHaram, and a prayer in that mosque is superior to a prayer in my mosque by one hundred prayers."

Thus, if someone makes a vow to perform i 'tikaf in the Prophet's mosque, he may fulfill it in the Masjid al-Haram since that one is superior to the Prophet's mosque.

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**Volume 4**

## Fiqh 4.1: Sickness, Expiation of Sins

There are many hadith which explain that sickness expiates evil deeds and wipes out sins. Of these, some are given below:

Abu Hurairah narrates that the Prophet, peace be upon him, said: "When Allah wants to be good to someone, He tries him with some hardship."

Abu Hurairah also reports that Allah's Messenger, peace be upon him, said: "For every misfortune, illness, anxiety, grief, or hurt that afflicts a Muslim -even the hurt caused by the pricking of a thorn - Allah removes some of his sins." Ibn Mas'ud said: "I visited the Messenger of Allah, peace be upon him, while he had a fever. I exclaimed: 'O Messenger of Allah! You have a high fever! ' He said: 'My fever is as much as two among you [might have]. ' I asked: 'Is it because you have a double reward?' He replied: 'Yes, that is right. No Muslim is afflicted with any hurt, even if it is no more than the pricking of a thorn, but Allah wipes off his sins because of it and his sins fall away from him as leaves fall from a tree'."

Abu Hurairah said: "The Prophet, peace be upon him, remarked: 'The example of a believer is like a fresh tender plant; from whichever direction the wind blows, it bends the plant. But when the wind dies down, it straightens up again. (Similarly a believer is tested by afflictions to strengthen his faith and heart, and he remains patient and firm). And an evil person is like a pine tree which remains hard and stiff until Allah breaks it whenever He wills."

## Fiqh 4.1 a: Patience During Illness

Anyone suffering from an illness should remain patient, for there is no reward better or more enriching than that reserved for those who endure in patience.

Suhaib ibn Sinan narrated that the Prophet, peace be upon him, said: "How remarkable is the case of the believer! There is good for him in everything, but this is not the case for anyone except for the believer. When the believer receives any good, he is thankful to Allah, and gets a reward. And when some misfortune befalls him, he endures it patiently, for which he is (also) rewarded."

Anas narrates: "I heard the Prophet, peace be upon him, saying: 'Allah says: "When I afflict a servant of mine with respect to his two most beloved things (meaning his eyes), and he endures it patiently, I grant him paradise in return'."

'Ata ibn Rabah related that he heard Ibn 'Abbas say: "Shall I show you a woman of Paradise?"I said: "Yes, indeed." He said: "A black woman came to the Prophet, peace be upon him, and said: 'I suffer from epileptic fits, and because of these, (at times) my body becomes uncovered. Would you invoke Allah, the Exalted One, to cure me of this disease? ' The Prophet, peace be upon him, said: 'If you wish, you can be patient and you will attain Paradise (for this suffering). But if you prefer, I will pray to Allah, the Exalted, to cure you of it?' The woman said: 'I will be patient,' then added: 'I become uncovered (when I have fits), so invoke Allah for me that I do not become uncovered. ' So the Prophet, peace be upon him, prayed for her."

## Fiqh 4.2: To Complain of One's Illness

It is permitted for a patient to complain of his pain and illness to a physician or a friend, provided he does not do so to express his or her anger or impatience. It was mentioned earlier that the Prophet, peace be upon him, said: "My fever is as severe as that of any two of you." Once 'Aisha complained to the Messenger of Allah, peace be upon him, about her headache, lamenting: "O my head." He retorted:

"Nay, rather (I should say) O my head!" Likewise it is reported that 'Abdullah ibn Al-Zubair asked his ailing mother, Asma bint Abi Bakr, "How are you feeling now?" She replied: "I am in pain."

A patient should thank and praise Allah, before talking about his distress and complaint

Ibn Mas'ud said: "If one thanks Allah before complaining about his pain or disease, then it is not considered impatience. Indeed, to refer one's complaint to Allah, is quite lawful." Jacob (the prophet), said: "I complain of my distraction and anguish only to Allah." The Prophet Muhammad, peace be upon him, himself prayed: "O Allah! to You I complain of my weakness."

## Fiqh 4.2 a: A Sick Person is Rewarded for All the Good Deeds that He Would (usually) Perform in a State of Health

Abu Musa al-Ash'ari reports that the Prophet, peace be upon him, said: "If a servant (of Allah) falls sick or goes on a journey, he (continues to be) rewarded for the good deeds that he used to do when he was healthy or at home."

## Fiqh 4.3: Visiting the Sick

It is Islamic etiquette to visit a sick Muslim, to provide him moral support, and to make sure that he or she is well taken care of.

Ibn 'Abbas said: "The first visit to a sick person is sunnah, while any subsequent visit is a voluntary act (a good deed)." Abu Musa reported that the Prophet, peace be upon him, said: "Feed the hungry, visit the sick, and free the captives."

The Prophet, peace be upon him, said: "A Muslim has six obligations to another Muslim." "What are these?" they asked. He replied: "To greet another Muslim when you meet him; to respond when he invites you; to give him your (sincerest) advice when he seeks it; to say 'may Allah have mercy upon you' when he sneezes and says ' may Allah be praised '; to visit him when he falls ill; and when he dies, to attend his funeral."

## Fiqh 4.3 a: Reward for Visiting the Sick

Abu Hurairah narrated that the Messenger of Allah, peace be upon him, said: "A caller from heaven calls out to the person who visits a sick person, 'You are good and your path is good. May you enter your residence in Paradise'."

Abu Hurairah reported that the Messenger of Allah, peace be upon him, said: "Verily, Allah, the Exalted and Glorious, will say on the Day of Judgement: 'O Son of Adam! I fell ill, but you did not visit Me.' The human will ask, 'O my Sustainer! How could I visit You when You are the Sustainer of the Worlds? And how can You fall sick?' He, the Almighty, will say, 'Did you not know that such and such a servant of Mine was sick. But you did not visit him. Did you not know that, had you visited him, you would have found Me by his side? O Son of Adam! I asked you for food, but you fed Me not?' The man will say, 'O my Sustainer! How could I feed You when You are the Sustainer of the Worlds? And You are free from hunger?' He, the Almighty, will say: 'Such and such a servant of Mine asked you for food, but you refused to give him any. Did you not know that, had you fed him, you would have found it recorded here with Me? O Son of Adam! I asked you for a drink, but you did not give Me any.' The man will say, 'O my Sustainer! How could I give You a drink while You are the Sustainer of the Worlds and are free from thirst?' He, the Almighty will say, ' Such and such a servant of Mine asked you for a drink, but you did not give him any. Had you given him a drink, you would have surely found that recorded with Me."'

Thawban reported that the Prophet, peace be upon him, said: "Verily, when a Muslim visits his sick Muslim brother, he is, as it were, in one of the gardens of Paradise (enjoying its ripe fruits) until he returns to his home."

Ali said: "I heard the Messenger of Allah, peace be upon him, saying: 'When a Muslim visits a sick Muslim in the morning, seventy thousand angels pray for him, and they continue praying for him until that evening. When one visits the sick in the evening, the angels pray for him and continue praying for him until the next morning. Moreover, he will be rewarded with the choicest fruits of Paradise."

## Fiqh 4.4: Etiquette of Visiting the Sick

It is recommended that the visitor pray for the recovery and health of the patient and that he should urge him to endure his trouble patiently. He should say nice words to cheer him up and keep his spirits high. The Prophet, peace be upon him, said: "When you visit a sick person, give him hope for a long life. This will not avert anything, but will please the patient and give him comfort." When the Prophet, peace be upon him, visited a sick person he used to say to him: "Do not worry! It is a means of cleansing (you) of sins, Allah willing."

It is preferred to shorten the visits and to make them less frequent as far as possible, lest they should become burdensome for the patient, except when the patient himself desires longer and more frequent visits.

## Fiqh 4.4 a: Women Visiting (Sick) Men

Bukhari reports: "Umm ad-Darda went to visit one of the Ansar who used to come to the mosque." It is narrated from 'Aishah that she said: "When the Messenger of Allah, peace be upon him, migrated to Madinah, both Abu Bakr and Bilal fell sick. So I went to see them, and I said: 'O dear father! How are you (now)?' And, 'O Bilal! How are you now?' She (further) said: 'When Abu Bakr had high fever he would recite:

Every man is amongst his family, yet death is nearer to him than his shoe laces.

And when Bilal recovered from fever, he would recite: Would that I could stay overnight in a valley wherein I should be surrounded by izhkhir and jalil (kinds of fragrant grass). Would that one day I could drink of the water of Majinna, and would that (the two mountains) Shama and Tafil would appear to me.

'Aishah added: "Then I went to Allah's Messenger and told him about it, whereupon the Prophet, peace be upon him, said: 'O Allah! Bestow on us the love of Madinah as we love Makkah, or even more than that. O Allah ! Make it healthy and bless its sa' and mudd (measures of food) for us, and divert its fever to (the place called) al-Juhfah."

## Fiqh 4.5: Muslim Visiting a Non-Muslim Patient

It is permissible for a Muslim to visit a sick non-Muslim person. In the chapter, "Visiting a Sick Polytheist," Bukhari says: It is narrated on the authority of Anas that "a Jewish boy, who used to serve the Prophet, peace be upon him, once fell ill. The Prophet, peace be upon him, visited him and invited him to Islam, saying: 'Submit to Allah's will.' So he accepted Islam." Similarly Bukhari narrates from Sa'id ibn al-Musayyab that he reported from his father that "when Abu Talib (the Prophet's uncle and an idolater) was on his deathbed, the Prophet, peace be upon him, visited him."

## Fiqh 4.5 a: Visiting an Eye Patient

Abu Daw'ud narrates that Zaid bin al-Arqam said: "I suffered from an eye disease and the Messenger of Allah, peace be upon him, came to visit me."

## Fiqh 4.5 b: Asking the Sick for a Prayer

Ibn Majah narrates on the authority of Umar that the Messenger of Allah, peace be upon him, said:

"When you visit a sick person, ask him to pray for you. Indeed, the prayer of a sick person is like the prayer of angels." According to the author of Az-Zawa' id, the chain of narrators of this hadith is broken, yet it is sound and trustworthy, because otherwise it is authentic and narrators are trustworthy.

### Fiqh 4.5 c: Seeking Medical Treatment

There are many hadith which encourage the Muslims to seek medical treatment.

Usamah ibn Shuraik narrated: "I came to the Prophet, peace be upon him, and found him with his companions. They were calm and serene as if there were birds over their heads. I greeted them and sat down. Then some bedouins came from various places. They askezhim: 'O Allah's Messenger! Should we seek medical treatment for our illnesses?' He replied: 'Yes, you should seek medical treatment, because Allah, the Exalted, has let no disease exist without providing for its cure, except for one ailment, namely, old age'." (Reported by Ahmad and the six sunnan. Tirmizhi considers it a sound hadith.)

Anas ibn Mas'ud reported that the Prophet, peace be upon him, said: "Verily, Allah has not let any malady occur without providing its remedy.

Therefore seek medical treatment for your illnesses." ( Nasa'i, Ibn Majah, and al-Hakim.)

Jabir narrated that the Messenger of Allah, peace be upon him, said: "There is a cure for every disease. Whenever an illness is treated with its right remedy, it will, by Allah's permission, be cured." (Muslim)

### Fiqh 4.6: Using Prohibited Things As Medicine

The majority of scholars hold that the use of wine and other prohibited things as medicine, is unlawful. They base their arguments on the following hadith:

Wa'il ibn Hujr al-Hadrami reported that, "Tariq ibn Suwaid asked the Prophet, peace be upon him, if he could use liquor as medicine. The Prophet replied: 'It is not a cure, but a disease'." (Muslim, Abu Daw'ud, and Tirmizhi.)

Umm Salamah, the wife of the Prophet, peace be upon him, reports that he once said: "Allah has not placed a cure for your diseases in things that He has forbidden for you." (Reported by Baihaqi; Ibn Hibban considers this hadith to be sound.Bukhari has also related it on the authority of Ibn Mas'ud.)

Abu ad-Darda reported that the Prophet, peace be upon him, said: "Allah has sent down both the malady and its remedy. For every disease He has created a cure. So seek medical treatment, but never with something the use of which Allah has prohibited." (Reported by Abu Daw'ud. Among the natrators of this hadith we find Isma'il ibn 'Aiyash, who is considered trustworthy by the Syrians, but regarded as a weak narrator by the scholars of Hijaz.)

Abu Hurairah narrated: "The Messenger of Allah, peace be upon him, prohibited the use of a harmful medicine, namely, poison."(Ahmad, Muslim, Tirmizhi, and Ibn Majah.)

Using a few, unnoticeable drops that cannot induce intoxication, is not prohibited, provided they are a part of a compound medicine. For example, the use of a small amount of pure natural silk in a woven fabric, as explained in al-Manar.

### Fiqh 4.6 a: Treatment by a non-Muslim Physician

In his book, Al-Adab ash-Shar'iah, Ibn Muflih writes that Shaikh Taqiyyuddin Ibn Taymiyyah said: "A credible Jew or Christian who has medical expertise may treat a sick Muslim. Such a person may, likewise, be entrusted with funds or other financial transactions, for Allah, the Exalted, says: 'Among the People of the Book are some who, if entrusted with a hoard of gold, will (readily) pay it back;

others, who, if entrusted with a single silver coin, will not repay it unless you constantly stand over them demanding it'." (Qur'an 3.75)

We find in a sound hadith that the Prophet, peace be upon him, hired a polytheist as a guide at the time of his migration to Madinah, so he entrusted him with his life and money. The people of the tribe of Khuza'ah, who were both Muslims and non-Muslims, acted as scouts for the Messenger of Allah, peace be upon him. It is also reported that the Prophet, peace be upon him, ordered Muslims to seek treatment from Al-Harith ibn Kaldah, who was a disbeliever. But when a Muslim physician with the expertise is available, one should seek his or her treatment and not turn to anyone else. The same applies when one has to entrust a person with funds or deal with him in business. If a Muslim has to confide in or turn to someone from the people of the Book for medical treatment, he may do so. It is not prohibited to befriend Jews and Christians. And when the Muslim has an opportunity to talk to them, he should address them in ways that are polite and sincere. Indeed, Allah, the Exalted, says: "And do not argue with the people of the Book, except in ways that are best." Qur'an 29.46

In a hadith on the Treaty of Hudaibiyah, Abu Al-Khattab tells us that "the Prophet, peace be upon him, sent a man of the Khuza'ah tribe to gather intelligence, and the Prophet, peace be upon him, accepted his report despite the fact that he was a disbeliever." This proves, according to Abu Al-Khattab, that it is quite permissible to take the advice of a non-believing physician for diagnosis and treatment, provided he is not suspect and his fidelity is not doubtful."

## Fiqh 4.7: Permission for a Woman to Seek Medical Treatment from Men

In cases of necessity, it is permissible for a man to treat a woman, and for a woman to treat a man. Bukhari reports from Rubayyie' bint Mu'awwizh ibn 'Afra that she said: "We participated in battles with the Messenger of Allah, peace be upon him, and we (women) provided the people with water, looked after them, and brought the wounded and the dead back to Madinah." (Bukhari, Chapter on "Can a Man Treat a Woman, or a Woman a Man?")

In his book, Al-Fath, Al-Hafiz writes: "When necessary, it is permissible to treat strangers with whom one is not related or not consanguine. Therefore, looking at, probing, and touching, etc., in such cases are also allowed."

In Al-Adab al-Shar'iah Ibn Muflih writes: "If a woman is sick and no female doctor is available, a male doctor may treat her. In such a case the doctor is permitted to examine her, including her genitals. The same applies to a male doctor treating a sick man. Ibn Hamdan says: "If a man is sick and there is no male doctor available to treat him, then he may be treated by a female doctor. She is permitted to examine him, including his genitals." AlQadi writes: "A physician is permitted to look at a woman and her private parts in case of necessity. Likewise, if need be, a woman or a man is permitted to look at the private parts of a man."

## Fiqh 4.8: Use of Incantation and Supplications in the Treatment

The use of incantation and supplications is allowed for treatment, provided their content is the remembrance of Allah and they are written in a comprehensible language. Otherwise their content might well contain something polytheistic without one being aware of it. 'Awf ibn Malik reported: "We practiced incantation in the pre-Islamic days so we asked the Messenger of Allah, 'What is your opinion about it?' He said: 'Let me see your incantations.

There is nothing wrong with the incantation that does not contain any polytheistic statements'." (Muslim and Abu Daw-ud)

Ar-Rabi ' says: "I asked Ash-Shafi ' i about incantation. He replied: 'There is nothing wrong in using the Qur'an for incantation or any other words that contain Allah's remembrance.' Then I asked him: 'Is it permissible for Muslims to approach the Christians and the Jews for incantation? ' Ash-Shafi'i replied: 'Yes, provided they use the revelation from Allah and words that contain His remembrance'."

## Fiqh 4.8 a: Some Supplications Found in Hadith

'Aishah reports that the Prophet, peace be upon him, used to seek refuge in Allah for some of his family members. He used to touch them with his right hand, saying: Allahahuma Rabbin nas azhhabal ba'sa, ashfi wa antashafi, la shifa' illa shifa'uka shifa' la yughadiru saqma "O Allah! The Sustainer of mankind! Remove the illness, cure the disease. You are the One Who cures. There is no cure except Your cure. Grant (us) a cure that leaves no illness." (Bukhari and Muslim)

'Uthman ibn Abu Al-'As relates that "once he complained of pain in his body to Allah's Messenger, peace be upon him. The Messenger of Allah, peace be upon him, said: 'Put your hand where you feel pain in your body and say, "Bismillah (in the name of Allah)," and say, "A 'uzhu bi 'izzatillah wa qudratihi min sharri ma ajidu wa uhazhiru (I seek refuge in the might of Allah and in His Power from the evil that I find and that I fear)," seven times'." 'Uthman continued: "I did that a few times and Allah removed my pain. I always advised my family and others to do the same." (Muslim)

Muhammad ibn Salim reported: "Thabit Al-Banani said to me: 'O Muhammad ! When you have any pain, put your hand where you feel pain, then say: Bismallaha'uzhu bi'izatillah min shari ma ajidu min waj'i hazha

"In the Name of Allah! I seek refuge in Allah's might from the evil of this pain. " Then remove your hand, and repeat the same for an odd number of times. Then he said to me that Anas ibn Malik had told him that Allah's Messenger, peace be upon him, had taught this to him." (Tirmizhi)

'Abdullah ibn 'Abbas reported that the Prophet, peace be upon him, said: "When someone visits a sick person whose time of death has not come, and says seven times: As'alu Allah al 'azim Rabbil 'arshil azim an yshfiaka 'I ask Allah, the Mighty, the Lord of the mighty throne, to cure you,'Allah will cure him of that illness." (Reported by Abu Daw'ud and Tirmizhi, who says it is a hasan (good) hadith. Al-Hakim says that it is sound according to Bukhari's criteria)

'Abdullah ibn 'Abbas also narrates that "the Prophet, peace be upon him, used to seek protection for Al-Hasan and Al-Hussain (his grandsons) with the words: A'uzhukuma bi kalamatillahi tamah min kulli shaitanin wa hamatin wa min kulli 'ainin lamatin 'I seek protection for you with Allah's perfect words from every satan and crawling creature and every evil eye.' He also added: 'Your father (Ibrahim) sought protection for Ismai'l and Ishaq with these same words'." (Bukhari)

Sa'd ibn Abi Waqqas reports that "the Prophet, peace be upon him, visited him while he was sick and said: 'O Allah, make Sa'd well! O Allah, make Sa'd well! Make Sa'd well!"' (Muslim)

## Fiqh 4.9: Prohibition of Using Amulets

The Messenger of Allah, peace be upon him, prohibited the use of amulets. 'Uqbah ibn 'Amir narrates that the Messenger of Allah, peace be upon him, said: "If anyone wears an amulet, may Allah not help him in fulfilling his wish. If anyone wears a sea-shell around his neck, may Allah give him no peace." (Narrated by Ahmad and Al-Hakim who consider it a sound hadith)

An amulet (tamimah) is a string of shells or beads that the Arabs used to put around their children ' s necks, believing that it would protect them from the evil eye. Islam abolished this superstitious practice. The Messenger of Allah, peace be upon him, prayed against those who wore an amulet out of superstitious belief.

It is reported from Ibn Mas'ud that "once, when he entered his home, he noticed his wife wearing a knotted object round her neck. He took it away and broke it. Then he remarked: 'The family of 'Abdullah has become so arrogant that they now associate with Allah those for whom He has sent down no authority.' Then, he added: 'I have heard the Messenger of Allah, peace be upon him, saying: 'Verily, incantations, amulets, and love charms are acts of shirk (associating false gods with Allah).' The people said: 'O Abu Abdullah! We are familiar with incantations and amulets, but what is a love charm

(altawlah)'?'He replied: 'It is a sort of magical formula by which women sought to gain their husbands' love'." (Related by Al-Hakim and Ibn Hibban, and both consider it a sahih hadith) 'Imran ibn Hasin reports that "the Messenger of Allah, peace be upon him, saw a man wearing a bracelet of copper on his arm. The Prophet, peace be upon him, exclaimed to him: 'Woe be to you' What is this? ' The man replied: 'I am suffering from weakness (al-wahinah).' (Al-wahinah is a disease that causes pain in the shoulders and hands. The man was wearing a copper bracelet believing it would relieve his pain and suffering. The Prophet, peace be upon him, prohibited him from wearing it because he regarded it as an amulet) The Prophet, peace be upon him, said: 'It will give you nothing but pain. Throw it away. Had you died while wearing it, you would never have achieved salvation'." (Narrated by Ahmad) 'Isa ibn Hamza said: "I went to see 'Abdullah ibn Hakim and his face was red due to high fever. I said to him: 'Why don't you use an amulet?' He said: 'We seek refuge with Allah from it. The Messenger of Allah, peace be upon him, said: "Whoever wears anything as an amulet will be entrusted to it"."' (Abu Daw'ud)

## Fiqh 4.10: Pendants with Words from the Qur'an or Hadith

'Amr ibn Shu'aib relates from his father and from his grandfather, 'Abdullah ibn 'Amr ibn Al-'Aas, that the Prophet, peace be upon him, said: "If one of you is frightened while sleeping, one should say: A'uzhu billah min hamazatish shayatin wa an yahdrun ' I seek refuge in Allah's perfect words from His anger, His chastisement, from the evil of His creatures, and from the suggestions and approach of devils.' Then one will never be harmed." 'Amr ibn Shu'aib related further that 'Abdullah ibn 'Amr "used to teach this prayer to his older sons who could comprehend and memorize. For those who were not able to do so, he wrote these words down, wrapped them as pendants, and made them wear these around their necks." (Narrated by Abu Daw'ud, Nasa'i, and Tirmihi, who says it is an acceptable but unknown hadith. Al-Hakim says it is sound)

'Aishah, Malik, and most of the scholars of the schools of Ash-Shafi'i and Ahmad ibn Hanbal also subscribe to this view. Nevertheless Ibn 'Abbas, Ibn Mas'ud, scholars of the Hanafi school, and some scholars of the Ash-Shafi'i and Hanbali schools, according to one study, are of the opinion that it is not permissible for a person to wear anything as an amulet in the light of the above mentioned general prohibition regarding amulets.

## Fiqh 4.11: Prohibition of Someone with a Contagious Disease Living Among the Healthy

Anyone with a contagious disease may be prohibited from living among healthy people. The Prophet, peace be upon him, said: "A sick person must not be brought among the healthy." The Prophet, peace be upon him, prohibited the owner of sick camels from mixing them with the healthy ones of another owner, even though he also stated: "No contagious disease is transmitted without Allah's permission, nor is there any bad omen." It is also reported that the Prophet, peace be upon him, accepted the oath of allegiance from a leper from outside Madinah and did not permit him to enter the city.

## Fiqh 4.11 a: Prohibition of Entering Or Leaving a Plague-Stricken Area

The Messenger of Allah, peace be upon him, forbade people to leave or enter a land where there is a plague, in order to check the spread of the contagious disease and confine it to a limited area. In medical terminology this is known as "quarantine." Usamah ibn Zaid said: "The Prophet, peace be upon him, remarked in reference to the plague, 'It is a remnant of the chastisement inflicted upon the Israelites. If a plague breaks out in a place where you are, do not leave that place, and when you hear of its spread in another place, do not go there." (Narrated by Tirmizhi, who considers it a sound hadith)

Ibn 'Abbas reports: "'Umar ibn al-Khattab went to Al-Sham (Syria). When he reached Sargh, the army commanders, Abu Obaidah ibn al-Jarrah, and others received him. They informed him that a plague had broken out in Al-Sham."Ibn Abbas continued, "'Umar assembled the leaders from among the Muhajirin and sought their opinions. They offered conflicting opinions. Some said: 'We have come for a certain objective, and so we should not turn back from it.' Others said: 'With you are others, including some companions of the Messenger of Allah, peace be upon him. We do not believe that you should expose them to this plague.' 'Umar said: 'You may leave.'Then he gathered together the Ansar and

asked their opinion. They were unanimous in their advice to him. They said: 'We believe that you should return with the people and you should not expose them to the plague.' Then 'Umar addressed the people, announced that he was going back the next morning, and asked them to be prepared to leave in the morning. ' At this Abu Ubaidah ibn al-Jarrah said: 'O 'Umar! Are you running away from the decree of Allah!' 'Umar replied: 'O Abu Ubaidah! I wish someone else had said this. Yes, we do run from the decree of Allah to the decree of Allah. What if you had a herd of camels and you took them to a valley that had two slopes, one green pasturage and the other dry and barren. Would you not be fulfilling the decree of Allah if you let your herd graze on the green pasture rather than keeping them on the dry barren land?' Just then came Abdurrahman ibn 'Awf. He had been away on some errand. He said: 'I have some knowledge concerning this issue. I heard the Messenger of Allah, peace be upon him, say: "If you hear that an epidemic has broken out in a land, do not approach it. If it attacks a land where you live, then do not leave that land in a bid to escape from it".' Hearing this 'Umar praised Allah and then he departed. This is reported by Bukhari.

## Fiqh 4.13: CONTEMPLATION OF DEATH AND PREPARATION FOR IT BY GOOD DEEDS

Allah and His Messenger, peace be upon him, encourage us to contemplate death and be ready for it with good deeds. This is regarded as a sign of goodness. Ibn ' Umar reports: "I came to the Prophet, peace be upon him, and I was the tenth of the first ten people (who embraced Islam). A man from among the Ansar got up and said: "O Prophet of Allah, who is the most sagacious and the most prudent among the people?" He replied: "Those who are most aware of death and prepare themselves for it. They are the wisest of people and will have honor in this world and a generous reward in the Hereafter'." Ibn 'Umar also said that Allah's Messenger, peace be upon him, said: "You should remember the reality that brings an end to all worldly joys and pleasures, namely, death." (Both hadith are narrated by At-Tabarani with a sound chain of narrators)

Ibn Mas'ud narrated that the Messenger of Allah, peace be upon him, explained the following words of Allah, the Exalted: "The hearts of those whom Allah wills to guide, He opens to Islam." (Qur'an 6.125) This means, the Messenger explained, that, "When the light (of truth) enters the heart it expands and opens up." The Companions asked: "Is there any evidence of this (in the life of a Muslim)?" He replied: "Being ever mindful of the eternal life of the Hereafter, and remaining at guard in this life of delusion, and preparing oneself for death before it comes." This is reported by Ibn Jarir through different chains each of which strengthens the other.

### Fiqh 4.13 a: It is not proper for a Person to Wish for Death

It is makruh or "disliked" to wish for one's death, or pray to Allah for it, due to poverty, distress, illness, or the like. The six canonical compilers of hadith narrate on the authority of Anas that the Prophet, peace be upon him, said: "Let no one among you wish for death due to any hardship that may befall him. But if one has no other choice, but to do so, one should say: "O Allah! Grant me life as long as life is good for me, and cause me to die when death is better for me."

The wisdom in the prohibition against wishing for death becomes obvious from a hadith narrated by Umm al-Fadl: "The Prophet, peace be upon him, went to see Al-'Abbas. He found him wishing for death. Thereupon the Prophet said: 'O Abbas! O Uncle of Allah's Messenger! Do not wish for death. If you do good and live long, your good deeds will multiply. Then that is better for you. If you are not good and your death is delayed, you may seek Allah's forgiveness. That is better for you. So do not wish for death'." (Narrated by Ahmad and Al-Hakim, who says it is sound according to Muslim's criteria)

It is permissible, however, to wish for death, and there is no harm in doing so, when one fears persecution that puts one's faith at risk, as is indicated by the following supplication of the Messenger of Allah, peace be upon him: Allahumma inni as'aluka fi'lal khairat wa tarkal munkarat wa hubbal masakin wa an taghfarali wa tarhamani wa izha aradata fitnatan fi qaumi fatawafani ghaira maftunin wa as'aluka hubbaka wa hubba man yuhibbuka wa hubba 'amalin yuqaribu ila hubbika "O Allah! I ask You for the means to do good, to avoid evil, and to love the poor, and I beseech You to forgive me and have mercy on me. When You subject my people to a trial, cause me to die without being affected by it. O Allah! I ask Your love, the love of those who love You, and the love of all such actions that bring one

closer to Your Love."(Narrated by Tirmizhi who said it is a good and sound hadith)

'Umar used to pray in these words: Allahumma kabirat sinni wa da'ufat quwwati wa anshrat ra'i-atifaqbidni ilaika ghaira mudayi' wa la mufaratti "O Allah! I have grown old, I have become weak, and my flock has spread far and wide. Therefore, O Allah, take me to You before I fall short of doing my duties or transgress my limits." This is reported by Malik.

### Fiqh 4.14: Excellence of a Long Life Enriched with Good Deeds

It is reported by Abdurrahman ibn Abu Bakrah on the authority of his father that a man asked: "O Messenger of Allah ! Who is the best of all people?" He replied, "He who lives long and does good deeds." The man asked, "And who is the worst of men?" The Prophet, peace be upon him, replied: "He who lives long but commits evil." (Narrated by Ahmad and at-Tirrnizhi, who says it is a sound hadith) Abu Hurairah reported that the Prophet, peace be upon him, said, "Shall I tell you who is the best among you?" The Companions said, "Yes, O Allah's Messenger." Thereupon he said, "The best among you are those who live long and are best in deeds." (Narrated by Ahmad and others with a sound chain)

### Fiqh 4.15: Good Deeds Prior to Death: An Indication of a Good End

Anas reported that the Prophet, peace be upon him, said: "When Allah intends good for a servant of His, He uses him for good." They asked: "How does Allah use him?" The Prophet, peace be upon him, replied: "He enables him to do good deeds and makes it easy for him before his death and then causes him to die while he is in that state of goodness." (Ahmad, Tirrnizhi, Al-Hakim, and Ibn Hibban)

### Fiqh 4.15 a: Desirability of Having a Good Opinion about Allah

The patient should remember the boundless mercy of Allah and have a good opinion about his Sustainer. Jabir reported: "I heard the Messenger of Allah, peace be upon him, saying, three nights before his death, 'Let none of you die unless he has a good opinion of Allah'." (Muslim) This hadith encourages the triumph of hope and expectation of forgiveness when one meets Allah, the Exalted. One should be in the state most loved by Allah, since He is the most Gracious, the most Merciful, the most Beneficent, and the most Generous. He loves to forgive those with hope. In the words of a hadith: "Everyone will be raised on the Resurrection Day in the condition in which he died."

It is reported by Anas that "the Prophet, peace be upon him, went to see a young man who was on his deathbed. The Prophet, peace be upon him, asked him: 'How are you?' The young man said: 'I hope for Allah's pardon, but I am fearful because of my sins. ' The Prophet, peace be upon him, said: 'These two things never gather in the heart of a person at such a time without Allah granting him what he hopes for and sheltering him from what he dreads'." (Ibn Majah and Tirmizhi)

### Fiqh 4.15 b: Desirability of Supplications and Remembrance of Allah for Those Visiting Someone on his Deathbed

It is desirable that righteous people visit patients on their deathbeds and remember Allah.

Umm Salamah reported: "Allah's Messenger, peace be upon him, said, 'When you visit someone who is ill or is dying, say good things about him. Indeed, the angels (present there) say "amen" to whatever you utter'." She added:"When Abu Salamah passed away, I went to the Prophet, peace be upon him, and said, 'Oh Messenger of Allah! Indeed, Abu Salamah has died.' The Prophet said: 'Say: "O Allah! Forgive me and him. Give me in his place a better substitute".' So, I did so and Allah gave me someone better than he. He gave me Muhammad, peace be upon him." (Recorded by Ahmad, Muslim, and the five compilers of the sunan)

In another report she said: "The Messenger of Allah, peace be upon him, came to see Abu Salamah when his sight had become fixed (he had passed away). So the Prophet, peace be upon him, closed his eyes and said: 'When the soul is seized and it leaves the body, the sight follows it.' Some of Abu

Salamah's family wept and wailed, whereupon the Prophet, peace be upon him, said: ' Supplicate to Allah only to seek good for yourselves, because the angels (who are present) say "amen" to whatever you utter.' Then he said: 'O Allah! Forgive Abu Salamah; raise his station among (Your) rightly guided servants; and take good care of his family that he has left behind. O Lord of the Worlds ! Forgive him and us, make his grave spacious, and put light therein for him." (Muslim)

## Fiqh 4.16: What Should be Done When Someone Dies

It is sunnah to do the following when a person dies:

1 Advise the dying person to say: "La ilaha illa-Allah" (there is no god but Allah). It is narrated on the authority of Abu Sa'id al-Khudri that the Prophet, peace be upon him, said: "Prompt your dying people to say: 'La ilaha illa-Allah'." (Muslim, Abu Daw'ud, Tirmizhi) Another report on the authority of Mu'azh ibn Jabal states that the Messenger of Allah, peace be upon him, said: "He whose last words are 'La ilaha illa- Allah' shall enter Paradise." (Narrated by Abu Daw'ud; Al-Hakim considers it a sound hadith)

This prompting (talqin) is necessary only when the dying person is unable to utter the shahadah (La ilaha illa- Allah . . . ). If such a person is able to utter these words then there is no need for prompting, but he should rather be advised to do so. Such advice is useful in cases of persons who are in possession of their faculties of reason and speech. If one is already mentally impaired such advice cannot be of benefit. But one who is unable to speak might say these words in his heart. The scholars are of the opinion that no pressure should be put on the dying person. So one should not say to him, "Say, 'La ilaha ill-Allah'," lest he should become annoyed and utter something improper. One may say the shahadah, however, in such a way that the dying person might be able to hear it and repeat it. If he utters it once, he should not be asked to repeat it unless he says some words after it. In such a case he should be asked to repeat shahadah to ensure that it be his last utterance.

Most scholars are of the opinion that one attending a dying person may repeat only the words: "La ilaha ill-Allah," according to the apparent meaning of the hadith. Others are of the opinion that the dying person should be prompted to utter the two testimonies (that is, "I bear witness that there is no god but Allah, and I bear witness that Muhammad is His servant and Messenger"). The purpose is to remind him of the Oneness of Allah, which includes both of the two testimonies.

2 Lay the dying person so that the qibla is on his right side. To this effect it is recorded that Abu Qatadah said: "Upon arrival in Madinah, the Prophet, peace be upon him, enquired about a person called al-Bara ibn Ma'rur. The people told the Prophet, peace be upon him, that he had died, and had willed one-third of his property to the Prophet, peace be upon him, and that his face be turned toward the Ka'bah at the time of his death. Hearing this, the Prophet, peace be upon him, said: 'He has been true to his innate nature. I return the one-third of his property to his children. ' Then the Prophet, peace be upon him, left and offered a prayer for him and prayed, saying: 'O Allah! Forgive him, have mercy on him, and cause him to enter Your Paradise. Indeed, You have accepted this prayer'." (Narrated by Al-Baihaqi and Al-Hakim, who observes: "I know of no hadith, other than this one, with regard to turning the face of a dying person toward Ka'bah.")

Ahmad reported that Fatimah, the daughter of the Prophet, peace be upon him, at the time of her death, turned toward the Ka'bah and placed her right hand under her head. This is the sleeping position recommended by the Prophet, peace be upon him, and in a grave, a dead body should also be placed in the same position. A report recorded from Ash-Shafi'i says: The body of the deceased should be laid flat on his back with his feet toward the Ka'bah, and his face raised a little, facing it. The majority of scholars, however favor the first position and hold it to be preferable.

3 Recite Surah Ya Sin from the Qur'an. (Surah 36 of the Qur'an) This is reported by Ahmad, Abu Daw'ud, Nasa'i, Al-Hakim, and Ibn Hibban, and the last two of them grade it as a sound hadith. They report also on the authority of M'aqil ibn Yasar, that the Prophet, peace be upon him, said: "Ya Sin is the heart of the Qur'an. Whoever recites it seeking the pleasure of Allah and the hereafter will receive Allah's forgiveness. So recite it to your dead." (Ibn al-Qattan considers this hadith weak and manifests some confusion, doubt, and even ignorance about some of its narrators. Ad-Dar al-Qutni is reported to

have said: "In the chain of narrators of this hadith there is confusion. Its text is obscure and is not correct.")

Ibn Hibban observes: This hadith refers to the recitation of Ya Sin for those on the eve of death and not for those already dead. This interpretation is supported by Ahmad, who recorded in his Al-Musnad that Safwan states: "The most eminent scholars say: 'The recitation of Surah Ya Sin at the time of a person's death makes death easy for him'. "The compiler of Musnad al-Firdaus attributes this hadith to Abu ad-Darda and Abu Zharr. They both narrated: "The Prophet, peace be upon him, said: 'If any person is on his deathbed and Ya Sin is recited to him, Allah makes his suffering easier'."

4 Close the eyes of the deceased. It is narrated by Muslim that the Prophet, peace be upon him, went to visit Abu Salmah. He saw that his eyes were wide open and blank with the stare of death. So the Prophet, peace be upon him, closed his eyes and said: "Verily, when a soul is seized, the eyesight follows it."

5 Cover the deceased: 'Aishah said: "When the Messenger of Allah died, he was covered with a piece of cloth that had some designs on it." This is reported by Bukhari and Muslim. The objective here is clearly to safeguard the respect and dignity of the deceased in death against prying eyes and against the exposure of his or her body to the idle curiosity of those looking for changes in its physical condition and features.

There is a consensus among scholars regarding the permissibility of kissing a dead person. The Prophet, peace be upon him, kissed 'Uthman ibn Maz'un after his death. Similarly, when the Prophet died, Abu Bakr leaned over him and kissed him between his eyes saying: "O my Prophet! O my best friend! !"

6 Prepare the body for burial without delay, as soon as death is confirmed (by specialists i. e., a qualified physician or the like).

The guardian of the deceased should wash, wrap, and arrange for the burial of the body soon after the funeral prayer for the deceased, because the body might deteriorate if burial is delayed. This is based on a report, recorded by Abu Daw'ud from al-Husayn ibn Wujuh that when Talhah ibn al-Bara fell ill, the Prophet, peace upon him, said: "I see that Talhah is on the verge of death. Inform me about him (when he passes away) and make immediate preparations for his burial, for a Muslim's remains should not be left long with his family after his death."

The burial may be delayed only for the guardian, provided no physical deterioration in the condition of the body is feared from such delay. Ahmad and Tirmizhi report on the authority of Ali ibn Abu Talib that the Prophet, peace be upon him, said: "O Ali, never delay three things: prayer when its time approaches, the funeral when death is confirmed, and marrying a widow or a divorcee when a suitable match is found for her."

7 Settle the debt of the deceased. Ahmad, Ibn Majah, and Tirmizhi have recorded a hadith on the authority of Abu Hurairah that the Messenger of Allah said: "A believer's soul remains in suspense until all his debts are paid off." Tirmizhi considers this a sound hadith.

This means that the judgement regarding a soul's salvation or perdition or its entry into Paradise is held in abeyance until its debts are fully paid off and settled. This applies to a person who leaves some property upon his death. His debt should be paid out of the property that he leaves behind. In the case of a person who dies in debt which he sincerely intended to pay, but has no property (nor leaves any behind to pay his debt), according to a confirmed report, his debt will be settled by Allah, the Exalted. Concerning a person who dies in debt with sufficient means to pay it and was willing to do so, but his heirs do not pay it, Bukhari records on the authority of Abu Hurayrah that the Prophet, peace be upon him, said: "If anyone takes other people's money with the intention to repay it and then he or she should die without settling the debt, Allah will pay the debt on his behalf. And if anyone takes money or property (of others) with the intention of destroying it, Allah will destroy him."

A hadith recorded by Ahmad, Abu Nu'aym, Al-Bazzar, and At-Tabarani from the Prophet, peace be upon him, says: "The debtor will be summoned before Allah on the Day of Judgement. Then Allah will ask him: 'O Son of Adam ! Why did you incur debt and infringe on others ' rights? ' The man would reply: 'My Lord! You know I took it, but I neither abused nor lost it. It was stolen or bumed in a fire or lost its value.' Allah, the Almighty and Exalted, will say: 'My slave has told the truth, and I am more entitled (than anyone else) to settle his debt. Then Allah will issue a command and something will be placed on his scales causing his good deeds to outweigh his bad ones. And so, by Allah's Grace, he will enter Paradise'."

The Prophet, peace be upon him, did not perform funeral prayers for those who had died in debt. When, however, Allah the Almighty, granted him certain lands as a result of conquests, and the community's wealth increased, he offered funeral prayer for them and settled their debts.

Bukhari reports that the Messenger of Allah, peace be upon him, said: "I am nearer to the believers than their own selves. So if someone dies leaving behind debt, but no wherewithal to settle it, we shall pay his debt, and if someone dies and leaves some estate behind him, it is for his heirs (to pay his debt)."

This hadith shows that the debt of a deceased Muslim may be paid from the public exchequer out of the zakah funds specified as the portion for the people in debt. This is one of the prescribed categories of zakah recipients. Death by itself does not annul one's debt or other responsibilities to the living.

## Fiqh 4.19: On invoking Allah upon witnessing Death

Saying: "Inna lillahi wa inna ilayhi raji'un" (We belong to Allah and truly to Him we shall Return)

A believer should, at the death of a relative or a friend, invoke Allah and say: "Verily we belong to Allah, and truly to Him shall we return." The following reports show that to do so is commendable.

Ahmad and Muslim reported from Umm Salmah that she said: "I heard the Prophet, peace be upon him, saying: "If a servant of Allah is afflicted with a misfortune and says: Inna lillahi wa inna ilayhi raji'un, Allahumma ajirni fi musibati wa akhlif li khairan minha 'Verily we belong to Allah and truly to Him shall we return. O Allah! Protect me in this calamity that has befallen me and replace it with something better,'

Allah will accept his prayer, grant him reward for his affliction, and replace it with something better." She added: "When Abu Salmah (her husband) died, I invoked Allah in the words taught to me by the Prophet, peace be upon him, and Allah did grant me someone better than he, i.e., (He gave me) the Messenger of Allah (as a husband)."

Tirmizhi reports from Abu Musa al-Ash'ari that the Prophet, peace be upon him, said: "When a child of a servant of Allah passes away, Allah says to the angels: 'Did you take the soul of My servant's child?' They say: 'Yes.' He, the Almighty, says: 'Did you take away the apple of my servant's eye?' They say: 'Yes.' He, the Almighty says: 'What did My servant say at this?' They say: 'He praised You and said: "Inna lillahi wa inna ilayhi raji'a un (Verily we belong to Allah and to Him shall we return)." At this Allah says: ' Build for My servant a mansion in Paradise and call it the House of Praise (bayt al-hamd)'." Tirmizhi says this is a sound hadith.

Bukhari has reported from Abu Hurairah that the Prophet, peace be upon him, said: "Allah, the Exalted and Glorious says: 'I have no better reward than Paradise for a believing servant of Mine who is patient and resigned when I take away one of his beloved, one among those he most cherishes in the world."

"Those who say, when afflicted with calamity, 'To Allah we belong, and to Him is our return,' are those on whom descend blessings from Allah, and mercy, and they are the ones who receive guidance." 55 Commenting on these verses of the Qur'an, Ibn Abbas said: "Allah, the Almighty and the Exalted, informs us that when a believer is patient and resigned after a misfortune visits him and invokes Allah,

Allah will grant him three (good) merits: blessings, mercy, and guidance to the right path."

## Fiqh 4.20: Informing the Deceased's Family and Friends

The scholars consider it desirable that the deceased's family, friends, and other good people be informed about his death, so that they may share in the reward of participating in his funeral. It is reported in Sihah Sittah on the authority of Abu Hurairah that the Prophet, peace be upon him, informed his companions about the death of Negus (Najashi), the King of Abyssinia, the day that he passed away. And then the Prophet, peace be upon him, led them to the prayer ground where he lined them up and offered funeral prayer (for him) with four takbirs.

Ahmad and Bukhari narrate from Anas that the Prophet, peace be upon him, informed the people about the death of his companions, Zaid, J'afar, and Ibn Rawahah, commanders of the Muslim army in the Battle of Mu' tah, before they received any news from the battlefield. Tirmizhi observes that there is no harm in informing the family and close relations of the deceased person about his death. Al-Baihaqi says he was told that Malik ibn Anas disliked announcing someone's death at the gates of the mosque, but found nothing wrong with going around inside the mosque to the various groups of students there and informing them of someone's death.

A report, recorded by Ahmad and Tirmizhi on the authority of Huzhaifah, says that Huzhaifah said: "When I pass away, let no one vex me, for I am afraid (my death will be announced) and it may be regarded (as an invitation to) mourning. And I heard that the Prophet, peace be upon him, forbade announcing the death of a person as an invitation to mourning. This refers to a practice of the pre-Islamic period. In those days when a noble died they would send a horseman to various tribes to inform them about his death saying: 'The people are devastated on account of the death of so and so.' Such an announcement was (always) accompanied by crying and weeping."

## Fiqh 4.21: Weeping Over the Dead

Muslim scholars are agreed that weeping for the dead is permissible, whereas crying and wailing are not. It is reported in a sound hadith that the Prophet, peace be upon him, said: "Allah does not punish a person for shedding tears or feeling pain in his heart. But He does punish, though he may show mercy, because of (what he utters with) this," and then he pointed to his tongue.

The Prophet, peace be upon him, wept on the death of his son, Ibrahim, and said: "The eyes shed tears and the heart feels pain, but we utter only what pleases our Lord. O Ibrahim! We are aggrieved at your demise." He also wept when his grand daughter, Umaymah, daughter of Zainab, died. At this Sa'ad ibn 'Ubadah said: "O Messenger of Allah! Are you weeping? Did you not forbid Zainab from weeping?" The Prophet, peace be upon him, replied: "This (weeping) is the mercy that Allah has placed in the hearts of His servants. And surely Allah bestows mercy upon those who are merciful among His servants." A report is transmitted by At-Tabarani on the authority of Abdullah ibn Zaid to the effect that weeping without wailing is permitted.

Weeping aloud and wailing cause pain and suffering to the dead person. It is reported from Ibn 'Umar that when 'Umar was stabbed and he became unconscious the people around him began crying loudly. When he regained consciousness he said to them: "Don't you know that the Messenger of Allah said: 'A dead person is tormented by the wailing of the living'."

Abu Musa reports that when 'Umar was wounded Suhaib cried: "O my dear brother!" At this 'Umar said: "O Suhaib! Don't you know that the Messenger of Allah said: 'A dead person is tormented by the wailing of the living people'."

Al-Mughirah ibn Sh'ubah reports that he heard the Prophet, peace be upon him, saying: "The one who is wailed for is tortured on account of it." The above hadith are reported by Bukhari and Muslim.

These hadith mean that a dead person feels pain and displeasure when his family wails over him, for he

hears their wailing and their deeds are shown to him. This does not mean that the dead are actually punished and tormented because of the wailing of their families for them, because the Qur'an says that a person is not accountable for the actions of others.

Ibn Jarir reported from Abu Hurairah that he said: "Your deeds are shown to your dead relatives. So if these are good, they are pleased, and if these are bad, they despise them."

Ahmad and Tirmizhi reported on the authority of Anas that the Prophet, peace be upon him, said: "Your deeds are shown to your dead relatives and kinsfolk. So if these are good they are pleased, and if these are bad they say: 'O Allah! Let them not die until You have guided them to the right path as You guided us before'."

An-N'uman ibn Bashir reports: "Abdullah ibn Rawahah fainted and his sister, 'Amrah, started wailing: 'O my monumental loss!' 'O, my this and that!' When he regained consciousness, he said to her: 'Every time you said something (about me) i was asked, "Are you really what she said?"'." This is narrated by Bukhari.

## Fiqh 4.22: Wailing over the Dead

Wailing refers to mourning in a loud voice and crying in a high pitch, which was prohibited by the Prophet, peace be upon him, . Abu Malik alAsh'ari reported that the Prophet, peace be upon him, said: "Four practices of the pre-Islamic days of Ignorance will continue to be practiced by my ummah: taking pride in one's parentage, giving a person a father other than his own genealogical father, believing that rain is caused by some stars, and wailing over the dead." He further said: "A (professional) mourner, unless she repents before her death, will be raised on the Day of Judgement wearing a garment of tar and an armor of blistering puss." This is narrated by Ahmad and Muslim.

Umm 'Atiyyah reports: "The Messenger of Allah made us pledge that we will not wail over (the dead)" (Bukhari and Muslim). Al-Bazzar has transmitted, through a sound chain of authorities the report that the Prophet, peace be upon him, said: "Two sounds are accursed in this world and in the hereafter: the sound of wind instruments (to celebrate) good fortune, and of moaning aloud when afflicted with a misfortune."

Abu Musa is reported to have said: 'I declare my disavowal of all that Allah's Messenger disavowed. The Messenger of Allah disavowed publically a woman who mourns loudly, one who shaves her head, and one who tears her clothes in mourning" (Bukhari and Muslim).

Ahmad narrates from Anas that he said: "The Prophet, peace be upon him, made the women pledge, while giving their allegiance to him, not to mourn loudly for the dead. Thereupon they asked him, 'O Messenger of Allah, some women helped us (in mourning our dead) during the pre-Islamic days. Should we (also in return) help them (in mourning their dead) now that we are Muslims? ' He replied: 'There is no such thing in Islam (i. e., helping each other to mourn the dead loudly)'."

## Fiqh 4.23: Mourning for a Deceased

It is permissible for a woman to mourn for a period of three days on the death of a near relative, provided that her husband does not object to her doing so. It is not permissible for her to mourn for more than three days, except in the case of her husband's death, when she is to mourn for four months and ten days, which is a legally prescribed period of waiting or "iddah". This is reported by the group, (The compilers of the six most reliable hadith books generally known as Sihah Sitta) except Tirmizhi. They report from Umm 'Atiyyah, that the Messenger of Allah said: "A woman should not mourn for any deceased person for more than three days, except in the case of her husband's death, which she may mourn for a period of four months and ten days. Such a woman (in mourning) is not to wear any (brightly) colored dress. She may wear only plain dress. During this period she should not use any adornment or eye makeup, nor wear any perfume, nor dye her hands and feet with henna, nor comb her hair, except at the end of her menstruation period, when she may use some cleaning or refreshing

agents (such as perfume, etc. ) to get rid of any offensive smell left over from her period." Accordingly, when a widow mourns, she must not use any adornment, such as jewelry, kohl, 58 silk, perfume, or henna dye on her hands and feet. A widow must observe this waiting period in deference to her late husband's memory and to fulfill her obligations toward him.

## Fiqh 4.23 a: Preparing Food for the Bereaved Family is Encouraged

Abdullah ibn Ja'far reported that the Messenger of Allah, peace be upon him, said: "Prepare some food for the family of Ja'far, for what has befallen them is keeping them preoccupied." This is narrated by Abu Daw'ud, Ibn Majah and Tirmizhi, who grades it as a sound hadith.

The Prophet, peace be upon him, recommended this practice for it is an act of virtue and kindness and brings friends and neighbors closer to each other.

Ash-Shafi'i said: "It is recommended that the relatives of the deceased prepare enough food to feed all the deceased's family for one day and night, for it is the sunnah of the Prophet, peace be upon him, and a practice of good people."

The scholars hold it commendable to urge the deceased's family to eat so that their sorrow or excessive grief will not cause them to avoid food and thereby become weak. These scholars also hold that to offer food to the women while they are mourning loudly is not permissible, for it would be helping them in something sinful.

All the schools of Islamic law disapprove of the deceased's family preparing food for the people coming to pay their condolences, for it adds to their grief and further encumbers them unnecessarily. Such a practice would also resemble the custom of the Arabs before Islam. Referring to this practice, Jarir says: "(In those days) we considered it a part of mourning to assemble at the deceased's house and prepare food after burial for those gathered there." Some scholars consider this to be absolutely forbidden (haram).

Ibn Qudamah observes: 'It is permissible, however, when there is genuine need for it, since sometimes people attending the funeral may be from distant places, and they have to stay with the family of the deceased, in which case the family has to host such guests.

## Fiqh 4.24: Preparing the Kafan (Shroud) and Grave Before Death

Bukhari deals with this subject in a chapter entitled: "Those Who Prepared the Kafan in the Prophet's Days without him objecting to it. Reporting on the authority of Sahl, Bukhari says: "A woman came to the Prophet, peace be upon him, with a woven piece of cloth that had two seams on its edges. She said: 'I wove it with my own hands in order to wear it. ' The Prophet, peace be upon him, took it because he needed it. He wrapped it around his waist so that it covered the lower half of his body, and he came toward us. A man praised it, saying: 'This is a very nice cloth! Why don't you give it to me to wear?' Some of the people present there reproached the man for they knew that the Prophet needed that cloth and that he never denied anyone's request. The man replied: 'By Allah, I asked him for it not to wear it, but to save it and use it as my kafan'." Sahl continues: "And (later when he died) that same piece of cloth was used as his kafan."

Commenting on the above chapter of Bukhari, Al-Hafiz ibn Hajar says: "Bukhari phrased it so as to show that though (initially) the companions disliked the man's request for the cloth from the Prophet, they did not disapprove of it when he explained to them the reason for his request. This proves that it is permissible for a person to arrange during his lifetime for the things he will need after his death, such as a kafan or a grave." He cites Ibn Battal who said it is permissible to arrange for something before it is actually needed. Furthermore Al-Hafiz observes: "Some righteous people did indeed have their graves dug and prepared for them during their lifetime." Al-Zain ibn al-Munir criticized him, saying that the companions of the Prophet, peace be upon him, did not do so, and that if doing so (preparing one's grave during one's lifetime) were desirable most of them would have done so.

Commenting on this Al-'Aini says: "The fact that it was not done by the companions of the Prophet does not imply that doing so is not permissible, for if an act is deemed good by Muslims, then it is also good in the sight of Allah, especially when it is practiced by some of the most pious scholars."

Ahmad said: "There is nothing wrong if a person purchases a site for his burial and makes a will to the effect that he is to be buried there. 'Uthman, 'Aishah, and 'Umar ibn Abd al-'Aziz, all did so."

## Fiqh 4.25: The Desire to Die in the Haramain (Sacred precincts around the Ka'aba in Makkah and the Mosque of the Prophet in Madinah)

The desire to die in either of the sanctuaries in Makkah and Madinah is commendable. Bukhari has reported on the authority of Hafsah that 'Umar said: "O Allah ! Grant me martyrdom in Your cause, and cause me to die in the city of Your Prophet, peace be upon him." Thereupon Hafsa asked him: "Why do you pray for such a thing?" He said: "Allah willing, I shall get what I have prayed for."

At-Tabarani reported on the authority of Jabir that the Prophet, peace be upon him, said: "He who dies in one of the two sanctuaries will be raised in peace on the Day of Resurrection." Among the narrators of this hadith are Musa ibn Abdul al-Rahman, who is mentioned as trustworthy by Ibn Hibban and Abdullah ibn al-Mu'amil. Ahmad regards the hadith as weak, while Ibn Hibban considers it sound.

## Fiqh 4.25 a: Sudden Death

Abu Daw'ud reported from 'Ubaid ibn Khalid al-Sullami, a companion of the Prophet, peace be upon him, that once he narrated from ' Ubaid and another time from the Prophet himself, peace be upon him, saying: "Being caught unawares by a sudden death is a grievous misfortune." This hadith has been reported by Abdullah ibn Mas'ud, Anas ibn Malik, Abu Hurairah and 'Aishah, but all these narrations are weak for one or another reason. Al-Azdi says: This hadith has been reported through diverse chains of narrators, but none are reported on sound authority from the Prophet, peace be upon him.

## Fiqh 4.25 b: The Reward of a Person Losing a Child

Bukhari reported from Anas that the Prophet, peace be upon him, said: "A Muslim who loses three of his children before they come of age will be brought to Paradise by Allah as a mercy to him for losing them."

Bukhari and Muslim reported from Abu Sa'id al-Khudri that he said: "Some women asked the Prophet, peace be upon him: 'Appoint a (separate) day to (admonish) us.' The Prophet, peace be upon him, told them: 'If a (Muslim) woman's three children die, they will be a protection for her from Hell.' A woman asked him, 'And what if two of her children die?' He replied: 'And (even) if two of her children die'."

## Fiqh 4.26: The Life-Span of Muslims

Tirmizhi reported from Abu Hurairah that the Prophet, peace be upon him, said: "The life-span of those in my ummah is 60 to 70 years. And a very few of them will exceed this span."

## Fiqh 4.26 a: Death: A Form of Rest

Bukhari and Muslim reported from Abu Qatadah that once, when the Prophet passed by a funeral, he said: "He is (now) in peace secure from others and others are in peace secure from him." The people asked: "O Allah's Messenger! Who is in peace and from whom are others in peace?" He said: "A believing servant (of Allah) is relieved from afflictions of this world upon his death, while upon the death of a wicked person, other people, land, trees, and animals are rid of his evil."

## Fiqh 4.26 b: Preparation for the Burial of the Dead

The body of the deceased person must be prepared for burial, washed, and shrouded, and a funeral prayer must be offered for him. Then he should be buried.

### Fiqh 4.26 c: Washing the Dead

The majority of jurists are of the opinion that washing the body of a dead Muslim is a fard kifayah or a collective obligation. If some people attend to it, it is done on behalf of all, as commanded by Allah's Messenger, peace be upon him, and practiced by the Muslim community.

### Fiqh 4.26 d: Who is to be Washed and Who is Not

The body of a deceased Muslim, other than one killed in a battlefield by the infidels, should be washed.

### Fiqh 4.26 e: Washing Severed Parts of a Body

There is a difference of opinion among Muslim jurists concerning washing parts severed from a body. According to Ash-Shafi'i, Ahmad and Ibn Hazm these parts must be washed and shrouded, and funeral prayer should be offered for the departed soul.

Ash-Shafi'i said: "We were informed that a bird dropped a (human) hand in Makkah after the Battle of the Camel. The people identified it by a ring on one of its fingers (It was the hand of Abdul al-Rahman ibn 'Itab ibn Usayd (probably killed in the battle). It was washed and a (funeral) prayer was offered on it. This was witnessed by many Companions alive at the time.

Ahmad said: Abu Ayub offered funeral prayer on a (severed) foot of a dead person, while 'Umar offered prayer on a dead man's bones.

Ibn Hazm said: "A funeral prayer may be offered on any organ found from a dead Muslim's body. It should be washed and shrouded, except when it is part of a martyr' s body." Ibn Hazm further remarks that offering prayer on any organ found from a Muslim's body is analogous to praying for the whole person of the deceased, namely, for body and soul.

Abu Hanifah and Malik say, however, that, "If more than half of a Muslim 's body is found, then it should be washed and funeral prayer be offered on it, but otherwise it should not be washed nor should any funeral prayer be offered on it.

### Fiqh 4.27: A Martyr does not need to be Washed

The body of a martyr, that is, a Muslim killed in a battle at the hands of disbelievers, may not be washed even though it is in a state of major ritual impurity. His body should be enshrouded in the clothes he wore when he died if they are good enough for the purpose. Otherwise some additional cloth may be used to enshroud his body according to the sunnah. The body of such a person should be buried in its blood-stained state. None of his blood should be washed off.

Ahmad reported: "The Prophet, peace be upon him, said: "Do not wash those who die as martyrs, for their every wound or drop of blood will exude a fragrance like musk on the Day of Judgement." The Prophet, peace be upon him, ordered the martyrs of the Battle of Uhud to be buried in their bloodstained clothes. They were not washed, nor any funeral prayer offered for them.

Ash-Shafi'i said: "Burying the martyrs without washing or offering funeral prayer on them may be explained by the fact that they shall meet Allah with their wounds exuding fragrance like musk. The honor bestowed on them by Allah frees them from the need for funeral prayers by others. Moreover it makes things easier for the surviving Muslims, who may have received injuries in battle and fear the enemy's attack, and may be concerned about the security of their families and their families' worries about them.

Abdullah ibn Ja'far reported that the Messenger of Allah, peace be upon him, said: "Prepare some food for the family of Ja'far, for what has befallen them is keeping them preoccupied." This is narrated by Abu Daw'ud, Ibn Majah and Tirmizhi, who grades it as a sound hadith.

It is said that the wisdom behind not offering a funeral prayer on a martyr is that it is offered for a dead person, whereas a martyr is not dead but alive. Another reason may be that since prayer is a kind of intercession, the martyrs do not need it. In fact they will intercede for others.

## Fiqh 4.28: The Martyrs whose Bodies must be Washed and for whom Funeral Prayer must be Performed

Those who are not killed in a battle by disbelievers, though they may be regarded as martyrs in Islamic law, should be washed and funeral prayer said for them.

The bodies of such martyrs, during the Prophet's time, were washed. Later on Muslims, during the days of 'Umar, 'Uthman, and 'Ali, continued this practice (washing the bodies of such martyrs). We give below details about these martyrs.

Jabir ibn 'Utaik reported that Allah's Messenger said: "There are seven kinds of martyrs besides those killed in the cause of Allah:

1 a person who is killed in an epidemic,

2 a person who is drowned,

3 a person who has bed sores that cause fever and a bad cough resulting in his death,

4 a person who dies of a stomach disease,

5 a person who dies in a fire,

6 a person who dies under falling debris (in a disaster), and

7 a woman who dies during childbirth." Ahmad, Abu Daw'ud and Nasa'i report this hadith based on sound authority.

Abu Hurairah reported that Allah's Messenger, peace be upon him, asked: "Who do you consider to be a martyr?" They said: "O Allah's Prophet, he who is killed fighting for the cause of Allah." The Prophet, peace be upon him, said: "(If this is so) then very few in my community will be martyrs! " They asked: "Who else are they, O Allah's Messenger?" He said: "He who is killed fighting for Allah's cause is a martyr, he who dies in the cause of Allah is a martyr, he who dies in an epidemic is a martyr, he who dies from a stomach disease is a martyr, and the one who dies of drowning is (also) a martyr." This hadith is narrated by Muslim.

Sa'id ibn Zaid reported that the Prophet, peace be upon him, said: "He who is killed while guarding his property is a martyr, he who is killed while defending himself is a martyr, and he who is killed defending his religion is a martyr, and he who dies protecting his family is (also) a martyr." This hadith is narrated by Ahmad and Tirmizhi. The latter considers it a sound hadith.

## Fiqh 4.28 a: A Disbeliever is not to be Washed

It is not necessary for a Muslim to wash a disbeliever's body. Some scholars, however, consider it permissible. According to the Maliki and Hanbali schools, a Muslim may not wash a disbeliever' s body even if he is one of his near of kin. Similarly a Muslim is not permitted to shroud him or bury him unless

it is feared that the body would decompose because of weather conditions, or that it would attract predatory beasts, etc. In such a case, he may be buried in a hole and covered with dust. This opinion is based on a tradition transmitted by Ahmad, Abu Daw'ud, Nasa'i and Al-Baihaqi on the authority of Ali who said: "I said to Allah's Messenger 'Your uncle, the old misguided man, has passed away. ' The Prophet, peace be upon him, said: 'Go and bury your father and do not do anything else until you return to me'." ' Ali said: "I did as he had told me and went back to him. The Prophet, peace be upon him, ordered me to take a bath, and then he prayed for me."

Ibn al-Munzhir says there is nothing specific reported from the Prophet, peace be upon him, about the procedure of washing the dead body.

## Fiqh 4.29: Washing a Dead Body

The entire body must be washed with water, at least once, regardless of whether the deceased is a male and needed a ritual bath, or a female who was menstruating at the time (of her death). It is recommended that the body be placed on an elevated surface i.e., a table or a board. It then should be stripped of clothes, but his 'awra (private parts) should be covered. (Ash-Shafi'i says that it is better to wash the body of the deceased wearing a shirt, if it is thin enough to let water reach the body. The Prophet, peace be upon him, was washed this way, but it was done only in his case. The common practice has been to cover the 'awra and wash the body) At the washing, only people whose presence is needed may stay.

The washer, male or female, must be a trustworthy and pious person who will not broadcast what he or she might see except what is good.

Ibn Majah reports that the Prophet, peace be upon him, said: "Trustworthy persons should wash your dead." A washer must utter his or her intention to wash the body of a specific person. Then he should begin by lightly pressing the stomach of the deceased so as to expel, if possible, any remnants from it, and then wash the body of all impurities. The washer should use a wash cloth or wrap his or her hand with it, because touching the private parts of the dead is haram (forbidden). Then he or she should wash the deceased as in wudu (ablution) for the salah (obligatory prayers). The Prophet, peace be upon him, is reported to have said: "Begin washing the dead by washing organs on the right, and those parts that are washed in ablution." This is in order to crystalize the mark of the believer's parts of the body always washed during wudu that will shine forth brightly on the Day of Judgement. Then beginning from its right side, the body should be washed with soap and water, three times. If soap is not available, then washing with ordinary water will suffice. If the washer feels that three washes are not enough to cleanse the body properly, then he may wash it five or seven times. According to a sahih hadith, the Prophet, peace be upon him, said: "Wash the dead body an odd number of times, that is, three, five, or seven, or more if you feel it is necessary." (Ibn Abd al-Barr observes: "I know about no one who recommended more than seven washes." Ahmad and Ibn al-Munzhir disliked to exceed beyond seven)

Ibn al-Munzhir said: "The Prophet instructed the female washers to wash the dead body more than seven times in case they felt it was necessary to do so, but it must be an odd number of times. If the deceased is a female, then her hair should be loosened, washed, redone, and placed behind her back. According to a hadith narrated by Umm 'Atiyyah the hair of the Prophet's daughter was done in three plaits. I asked: 'Did they loosen her hair and then redo them in three braids?' She said: 'Yes'." Muslim reports this in these words: "We braided her hair in three braids, on both sides and in front (of her)." In his Sahih, Ibn Hibban says: "They did so in compliance with the order of the Prophet: 'Do her hair in three plaits'."

After having washed the body, it should be dried with a clean cloth lest the shroud should get wet. Then some perfume should be applied to it. The Prophet, peace be upon him, said: "When you apply perfume (to the dead), apply it an odd number of times after washing it." This is reported by AlBaihaqi, Al-Hakim and Ibn Hibban, of whom the last two consider it a sound hadith.

Abu Wa'il said: "Ali had some musk, and he requested that it be applied to his body upon his death.

**This was of what was left from the perfume used on the body of the Prophet upon his death."**

**The majority of scholars are of the opinion that clipping a deceased's finger nails, trimming his mustache, shaving the hair under his arms or from his private parts is makruh (disliked). Ibn Hazm, however, considers it permissible.**

**The scholars are agreed that the body of the deceased be rewashed if the stomach excrete something (i.e., urine or stool) after it had been washed and prior to being shrouded. They differ, however, whether in such a case the entire body should be rewashed. Some hold that the body must be washed again in such a case. Others are of the opinion that there is no need to wash the whole body again, while still others hold that at least wudu (ablution) must be repeated in such a case. Some others hold that in such a case the entire washing must be repeated.**

**The opinions of most scholars concerning washing of the dead are based on the hadith transmitted by the group on the authority of Umm 'Atiyyah who said: "The Prophet came to our house when his daughter died, and said: 'Wash her three times, five times, or more than that if you consider it necessary, with water and sidr (lotus tree leaves), and after the last wash apply some camphor to the body, and inform me after you have done so.' So when we finished washing we informed him. He gave us a cloth that he wore around his waist, and told us to wrap her in it as a first sheet of shroud."**

**The reason for using camphor, as mentioned by some scholars, is its pleasant smell, since burial is a time when angels are present. Besides, it is cool and has a soothing effect, especially when the body stiffens, and helps keep various insects away from the body, thus preventing its early decomposition. In case camphor is not available, any other substance that has these or some of these properties may be used instead.**

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## Fiqh 4.30: Cleaning the Body by Tayammum When Water is Unavailable

If there is no water to wash the dead body, then it may be cleaned with tayammum (ablution with dust), for Allah says in the Qur'an: "If you do not find water, then perform tayammum (ablution with dust)." And the Prophet said: "The entire earth has been made pure and a mosque for me." Similarly if it is feared that the body might deteriorate if it is washed, then it may be given a tayammum.

The same applies to a woman who passes away when there is no other woman around to wash her, or if a man dies and there are only women but no man to wash him. Abu Daw'ud in his collection of Marasil, and Al-Baihaqi on the authority of Makhul, report that the Prophet, peace be upon him, said: "If a woman dies while she is with men and there is no other woman with them, or if a man dies while with woman, and there is no other man there, then the body of the dead person may be given a tayammum instead of washing it and then it should be buried. They both will be regarded as ones who died when there was no water available to wash (and purify)."

The body of a woman shall be given tayammum by one of her mahrim consanguine relatives with his hand. If there is no consanguine relative present, then any other man can give her a tayammum by wrapping a piece of cloth around his hand. This is the opinion of Abu Hanifah and Ahmad. Malik and Ash-Shafi'i are of the view that "if a male relative of the deceased is available, then he should wash the body of the dead woman, for in matters of 'awrah ('Awrah (Arabic), those parts of a person's body which must be covered. A man must cover the front and back of his pubic region. There is disagreement about the navel, thighs, and knees. There is, however, no disagreement over what constitutes a woman's 'awrah. Her entire body is 'awrah and must be covered, except her hands and face) (nakedness of the private parts) and being alone with a woman, she is considered and treated in such a case as a male person for him.

In Al-Murawwa it is noted that Malik said: "I heard the scholars saying: 'If a woman dies and there is no other woman there to wash her, nor any male consanguine relative nor her husband who could undertake this responsibility, then she should be given a tayammum, wiping her face and hands with dry soil'." Malik said: "The same should be done in the case of a man who dies and there are only women around him." (Ibn Hazm holds that if a man dies while among women and there is no man around, or if a woman dies while among men with no other woman around, then the women may wash the body of the man and the men the body of the woman while covered in thick cloth. The water should be poured over the whole body without any physical contact. He is of the view that tayamm~m may not be given instead of a wash except when no water is available)

## Fiqh 4.31: One Spouse Washing the Other

The jurists are agreed on the permissibility of a wife washing the body of her dead husband. 'Aishah said: "Had I known then what I know now, I would not have allowed anyone, except his wives, to wash the body of the Prophet." This has been transmitted by Ahmad and Abu Daw'ud, and by al-Hakim, who considers it a sound hadith.

There is a difference of opinion, however, on the permissibility of the husband washing the body of his dead wife. The majority of scholars, nonetheless, consider it permissible, as is shown by a report, narrated by ad-Daraqutni and Al-Baihaqi, that Ali washed the body of Fatimah on her death. This is also supported by a hadith that the Prophet, peace be upon him, said to 'Aishah: "If you die before me, I will myself wash you and enshroud you." Ibn Majah records this hadith.

The Hanafi school holds that it is not permissible for a husband to wash his wife's dead body, and if there is no other woman available then he should give her tayammum. However, the above hadith prove the contrary of this view.

## Fiqh 4.32: A Woman Washing a Boy

Ibn al-Munzhir said: "All great scholars are agreed that a woman may wash the body of a young boy."

## Fiqh 4.33: Legal Status of the Shroud

Shrouding the body of the deceased, even it be with just one piece of cloth, is a collective obligation (fard kifayah) of the Muslims. Bukhari narrated from Khabbab that he said: "We migrated with Allah's Messenger, peace be upon him, seeking Allah's pleasure, and we hope He will reward us for that. In the meanwhile some of us died and received no reward in this life. One of them was Musa'ab ibn 'Umayr, who was killed in the Battle of Uhud. We did not find anything to shroud him in except a piece of cloth. When we covered his head, his feet would show, and if we covered his feet, his head would show. Allah ' s Messenger, peace be upon him, ordered us to use the cloth to cover his head with it and cover his feet with some grass." 66

## Fiqh 4.33 a: Preferable Practices in Shrouding

In shrouding, the following practices are recommended and should be observed while preparing a body for burial.

1 The shroud should be nice, clean, and large enough to cover the entire body. This is based on a narration of Ibn Majah and Tirmizhi, who regard it a sound hadith from Abu Qatadah that the Prophet, peace be upon him, said: "If one of you is a guardian to his deceased brother, he should give him the best shroud he can."

2 A shroud should be white, as it is recorded by Ahmad, Abu Daw'ud, and Tirmizhi on the authority of Ibn 'Abbas that the Prophet, peace be upon him, said: "Wear white clothes, for these are your best clothes, and enshroud your dead in them." Tirmizhi considers it a sound hadith.

3 The shroud should be scented and perfumed. The hadith is cited by Ahmad and by Al-Hakim, who regards it as sound, in accordance with Jabir's narration that the Prophet, peace be upon him, said: "If you perfume a dead body, do it three times." Abu Sa'id, Ibn 'Umar, and Ibn 'Abbas directed their heirs in their wills to perfume their shrouds with aloes-wood.

4 The shroud should be three wraps for a man and five wraps for a woman, in light of what is narrated by the group from 'Aishah who said: "The Messenger of Allah, peace be upon him, was wrapped in three pieces of new white sheets of cloth from Yemen, without a shirt or a turban."

Tirmizhi said: "The majority of the scholars among the Companions of the Prophet (may Allah be pleased with them) and others hold this view." Sufyan Al-Thawri said: "A (deceased) male should be shrouded in three pieces of cloth, or a shirt and two loose pieces of cloth, or (if necessary) three wraps of cloth.

One wrap may suffice if nothing else is available. Two wraps will also suffice, but three wraps are preferable for those who can afford it. This is the opinion of Ash-Shafi'i, Ahmad, and Ishaq. They hold that a deceased female should be enshrouded in five sheets.

It is reported from Umm 'Atiyyah that the Prophet, peace be upon him, gave her a loincloth, a shirt, a scarf, and two pieces of cloth (to be used as a shroud for him). Ibn Al-Munzhir said: "Most of the scholars, our teachers, are of the opinion that a woman should be shrouded in five sheets of cloth.

## Fiqh 4.34: Shrouding a Pilgrim

If a pilgrim dies, he is to be washed the same way any non-pilgrim is washed. He should be shrouded in his ihram (two pieces of seamless cloth which the pilgrims don during umrah or hajj. His head should not be covered, nor should any perfume be applied to his body, because the restrictions of ihram still apply to him. This is based on what the group reported from Ibn 'Abbas, who said: "During the last

hajj, a man, mounted on a horse, was close to Allah's Prophet, peace be upon him, and was trying to learn more from him, when he suddenly fell off his mount. The horse kicked him and killed him. When the Prophet, peace be upon him, was told about him, he said: 'Wash him with water and lotus (leaves), then wrap him in his two sheets, and do not perfume his body nor cover his head, for Allah, the Exalted, will raise him on the Day of Resurrection with talbiyah (The prayer uttered during hajj by the pilgrims) on his lips'."

The Hanafi and Maliki schools hold that when a pilgrim dies, then his state of ihram is terminated, so that thereafter he may be shrouded like any nonpilgrim. His shroud may be sewn, his head may be covered, and he may be perfumed. In their opinion the case of the man who died while with the Prophet, peace be upon him, during the Hajj season is of a special case and does not set a precedent for other cases. Nevertheless the reason given (for not covering his head or perfuming his body . . ) applies generally. The statement that he will be raised on the Day of Judgement with talbiyah on his tongue clearly applies to all who die in the state of ihram, because it is a well established juristic principle that a ruling true for one case is also true and applicable to other similar cases, unless there is something indicating that the case is specific in nature and limited in scope.

### Fiqh 4.35: Extravagance in Shrouding is Disliked

A shroud should be nice, but not so extravagantly expensive that it would unduly burden a person.

Ash-Shafi'i remarked, "Ali said: 'Do not be extravagant in shrouding me. I have heard Allah's Messenger, peace be upon him, say: "Do not be extravagant in preparing your shroud for it will soon be taken away."' This is narrated by Abu Daw'ud, in whose chain of narrators is a man called Abu Malik, who is of somewhat dubious character.

It is narrated that Huzhaifah said, "Do not be extravagant in preparing the shroud. Buy for my shroud two clean white sheets of cloth."

Abu Bakr said: "Wash this garment of mine, and add another two sheets of cloth, and shroud me in them." At this 'Aishah said, "This garment that you are wearing is old and worn out." He said, "The living are more deserving of the new garments than the dead. This shroud is only to absorb the secretions of the body."

### Fiqh 4.35 a: Using Silk Cloth in the Shroud

It is not permissible for a man to be buried in a silk shroud, but it is permissible for a woman. This is based on the following saying of Allah's Messenger, peace be upon him, concerning silk and gold: "Both of these things, i.e. gold and silk, are forbidden for the males of my ummah, but they are permissible for the females."

Many scholars, however, disapprove of a woman using a silk shroud, because this is extravagant and a waste of money and therefore forbidden. These scholars differentiate between the permissibility for a woman to wear ornaments during her lifetime and the practice of beautifying the shroud after her death.

Ahmad said: "I do not like a woman to be shrouded in silk." Likewise Al-Hasan, Ibn al-Mubarak, and Ishaq expressed their disapproval. Ibn AlMunzhir said, "I know of no other scholars with a different view on this subject."

### Fiqh 4.35 b: The Shroud Should Be Purchased with the Deceased's Money

A person who dies and leaves some money behind should have his shroud purchased with his money. If the deceased did not leave any money, then, whoever is responsible for taking care of his living expenses should provide his shroud. In case the deceased leaves no money and there is no one to take care of him, then his shroud should be purchased by the Public Treasury of the Muslims. Otherwise

individual Muslims should take care of it. The same applies in case of both the males and the females.

Ibn Hazm said: "The cost of a woman 's shroud and the digging of her grave should be met out of her own money. Her husband is not obliged to pay for it, for the properties of Muslims are forbidden to be used except by the authority of the Qur'an or sunnah.

The Prophet, peace be upon him, said, "Verily, your blood and property are sacred and are forbidden to each other." Allah, the Exalted, imposed on a husband the responsibility of providing his wife with food, clothing, and housing. The shroud is not synonymous with clothing, according to the language in which Allah chose to address us, nor is the grave equivalent to housing.

## Fiqh 4.37: Funeral Prayer, its Legal Status

There is a consensus among all the great Muslim jurists that a funeral prayer for a deceased person is a collective obligation or fard kifayah. The Prophet, peace be upon him, commanded the Muslims to offer it, and they have been doing so ever since they received this commandment.

Abu Hurairah reported that when the Prophet, peace be upon him, was informed of the death of a person, he used to ask: Does he owe anything to anyone?' If the answer was in the affirmative, he would then ask: 'Has he (the deceased) left anything to settle his debt?' If he had left something to settle his debt, he would offer the funeral prayer for him. Otherwise, he would say to the Muslims: 'Offer a (funeral) prayer for your brother"' (Bukhari and Muslim).

## Fiqh 4.37 a: Reward for Offering Funeral Prayer

Abu Hurairah narrates that the Prophet, peace be upon him, said: "Whoever follows a funeral procession and offers the prayer for the deceased, will get one kerat 68 of reward. And whoever follows it and remains with it until the body is buried, will get two kerats of reward, the least of which is equal in weight to 'Mount Uhud' or he said 'one of them is like Uhud.' The narrator is not certain as to the exact words used by the Prophet, peace be upon him. This is reported by the group.

Khabbab reported that he asked "O 'Abdullah Ibn 'Umar! Did you hear what Abu Hurairah says? He says that he heard Allah's Messenger, saying. 'Whoever leaves his house to attend a funeral prayer, offers funeral prayer, and then follows the funeral procession until the body is buried will receive two kerats of reward, each of which is like the mountain of Uhud. And whoever offers the funeral prayer and then leaves for home (This proves that a person does not need permission of the family of the deceased to leave after attending the funeral) will get a reward like the mountain of Uhud" (Muslim). Ibn 'Umar sent Khabbab to 'Aishah asking her about the statement of Abu Hurairah. She said, "Abu Hurairah has told the truth." When Ibn ' Umar was informed about this he said, "We have indeed lost many a kerat."

## Fiqh 4.38: Requisite Conditions for Funeral Prayer

The prerequisites for a funeral prayer are the same as for the obligatory prayers. Anyone intending to offer funeral prayer must be in a state of purity, be free from all minor and major impurities, must cover his or her "awrah," and stand facing the direction of the Ka'bah.

Malik reported from Nafi' that Abdullah Ibn 'Umar used to say: "One should not offer a funeral prayer unless he is in a state of purity."

The funeral prayer differs from the prescribed prayers in that there is no fixed time for offering it. It may be offered at any time, including the times when regular prayers may not be offered. This is the opinion of the Hanafi and Shafi'i schools. Ahmad, Ibn Al-Mubarak, and Ishaq dislike offering a funeral prayer at sunrise, at noon when the sun is at its zenith, and at dusk when the sun is about to set, except in cases when it is feared that if delayed, the body might decompose.

## Fiqh 4.38 a: Main Requirements of the Funeral Prayer

Certain requirements must be met for a valid funeral prayer, and failure to meet any of these may invalidate the prayer. These requirements are given below:

1 Intention

The real intention is what is in the heart, and its verbal utterance is not legally required. Allah says in the Qur'an: "And they have been commanded no more than this: To worship Allah, offering Him sincere devotion, being true in (faith)." Qur'an 98.5 And the Prophet, peace be upon him, said: "Verily, all deeds (of a person) will be judged in the light of the intentions behind them, and every person will attain what he intends."

2 Standing Prayer

The majority of scholars regard it as an essential condition for a valid funeral prayer to stand while praying if one is physically able to do so. A funeral prayer offered while sitting or riding, without any valid excuse, is not valid.

It is reported in Al-Mughni "It is not permissible for one to offer a funeral prayer while riding, as in this case an essential condition - standing while praying - would be missing." This is the opinion of Abu Hanifah, Ash-Shafi'i, and Abu Thaur. There is no difference on this point. It is preferable to put one's hands together, placing the right on the left, as is done in the prescribed regular prayer. Some disagree, but in our view it is better and preferable.

3 Loud Recitation of Four Takbirs

This is based on a report transmitted by both Bukhari and Muslim on the authority of Jabir who said: "Allah's Messenger, peace be upon him, offered funeral prayers for Najashi (Negus) and said four takbirs. (That is, he said Allahu akbar four times)

Tirmizhi said: Most of the learned Companions of the Prophet (may Allah be pleased with them) and others followed and acted in accordance with the above example of the Prophet. They hold that four takbirs should be said in a funeral prayer. Among these scholars are Sufyan, Malik, Ibn Al-Mubarak, Ash-Shafi'i, Ahmad, and Ishaq.

## Fiqh 4.39: Raising of One's Hands During the Takbirs

It is sunnah to raise one's hands while uttering the first takbir. There is nothing related from the Prophet, peace be upon him, to show that he raised his hands in funeral prayer except for the first takbir. Ash-Shawkani mentions various opinions about takbirs and the arguments for them and says: "In short nothing except the first takhir is reported from the Prophet, peace be upon him. The acts and sayings of the Companions of the Prophet (may Allah bless them) by themselves do not constitute a conclusive argument. Therefore one should raise one's hands only on saying the first lakhir. For the rest of the (three) takbirs no such instruction is available, except when one changes from one posture to another as in the regular prayer. There is no such change of posture required in the funeral prayer, so there is no need for raising hands in other than the first "takbir".

## Fiqh 4.39 a: Reciting "Al-Fatihah" and Salutations to the Prophet

(Abu Hanifah and Malik regard these as two essential requisites of funeral prayer)

Ash-Shafi'i has in his Musnad narrated from Abu Umamah ibn Sahl that one of the Companions of the Prophet (may Allah be pleased with them) told him that when offering a (funeral) prayer it is sunnah for the imam to say aloud Allahu Akbar (first opening takbir), then to recite al-Fatihah silently in his heart,

and then send salutations to the Prophet, peace be upon him, and then pray for forgiveness of the deceased. Nothing else is to be recited in between takbirs. Finally, he should end his prayer with salutations in his heart. (According to the majority of scholars, reciting al-fatihah, sending blessings upon the Prophet, supplicating for the deceased, and salutations are sunnah. In the case of the imam, however, it is sunnah to utter the takbir and salutations aloud in order to communicate with those praying with him) The author of Al-Fath says: "The chain of narrators of this hadith is sound."

Bukhari reported from Talha ibn Abdullah that he said: "I offered a funeral prayer that was led by Ibn Abbas. He recited Al-Fatihah and said: 'This is a sunnah of the Prophet, peace be upon him."' Tirmizhi also reported this and remarked that this has been the practice of some of the learned among the Companions of the Prophet (may Allah be pleased with them). Others prefer to recite Al-Fatihah after the first takbir. This is the opinion of Ash-Shafi'i, Ahmad, and Ishaq. Some others hold that Al-Fatihah is not to be recited in a funeral prayer. The funeral prayer should consist of praise for Allah (thana), blessings (salawat) upon the Prophet, peace be upon him, and a prayer (du'a) for forgiveness of the deceased. This is the opinion of Al-Thawri and other scholars of Kufah. Those who hold the recitation of al-Fatihah in a funeral prayer obligatory argue that the Prophet, peace be upon him, called it a prayer (salat) when he said: "Offer prayer (sallu) for your deceased friend." And as no prayer can be complete without al-Fatihah, for the Prophet, peace be upon him, also told us "no prayer is valid unless al-Fatihall is recited in it."

## Fiqh 4.40: Invoking Blessings Upon Allah's Prophet

Prayer for peace and blessings upon the Prophet, peace be upon him, may be said in any form. If someone were to say: "O Allah, bless Muhammad," it should suffice. It is better, however, to use the prayers transmitted through tradition, like the following:: Extravagance in Shrouding is Disliked

(Allahumma Salli 'ala-Muhammad wa'ala ali Muhammad kama sallayta 'ala Ibrahim wa 'ala ali Ibrahim wa barik 'ala Muhammad wa 'ala ali Muhammad kama barakta' ala Ibrahim wa 'ala ali Ibrahim innaka hamidun Majid)." "O Allah! Grant peace to Muhammad and his family as you did to Ibrahim and his family. O Allah! Bless Muhammad and his family as you blessed Ibrahim and his family. Truly You are Most Glorious and Most Praiseworthy.'

This should be said after the second takbir, as is obvious, though there is nothing specifically reported in this regard as to its precise place in the funeral prayer.

## Fiqh 4.40 a: Supplication for the Deceased

This is a basic element of funeral prayer according to the consensus of juristic opinion. The Prophet, peace be upon him, said: "When you offer a funeral prayer for a deceased person, pray sincerely for him to Allah." This is reported by Abu Daw'ud, Al-Baihaqi and Ibn Hibban, who said it is a sound hadith.

For this purpose any supplication, even a brief one, may be used. It is recommended, however, to use one of the following supplications reported from the Prophet, peace be upon him:

1 Abu Hurairah said: The Prophet, peace be upon him, prayed in one of the funeral prayers: Allahumma anta Rubbuha wa ant khalaqtaha wa anta razaqtaha wa ant hadaytaha lil Islam wa anta qabadata ruha-ha wa anta alamu bisirriha wa 'alaniyatiha. Ji'nashuf'ala-hafaghfir laha zanbaha "Oh Allah ! You are her Sustainer, You are her Creator, You provided her with sustenance, guided her to Islam, caused her to die, and You best know her secret and public life. We plead to You on her behalf to forgive her sins."

2 Wa'ilah ibn al-Asqa reported: "The Prophet, peace be upon him, led us in a funeral prayer for a man from among the Muslims. I heard him saying: Allahumma inna fulana ibna fulan fi zhimatika wa habla jawaraka, fa-qihu min fitnatal qabri wa azhabin nar wa anta ahlal wafa' wal haq, allahumma faghfirlahu war-rahmhufa innaka antal ghafurur Raheem. 'O Allah! So-and-so, son of so-and-so, is under Your protection and mercy, so protect him from the trial of the grave and the torture of Hell Fire. You are the guardian of the truthful and the faithful. OAllah! Forgive him and be merciful to him, as You are the

Most Merciful, Most Forgiving'." Narrated by Ahmad and Abu Daw'ud.

3 ' Awf ibn Malik reported: "I heard the Prophet, peace be upon him, while offering a funeral prayer, say: Allahumma-ghfir lahu war-rhamhu wa'fu anhu wa 'afahu wa akrim nuzulahu wa wassi' mudkhalahu waghsilhu bi-ma' ind wa thalj wa barad wa naqi minal khataya kama yunaqi athaubu danis minad danas wa abdilhu daran khairan min darihi wa ahlan khairan min ahlihi wa zaujan khairan min zaujihi wa qih fitnatal qabr wa azhaban nar. 'O Allah! Forgive him, have mercy on him, pardon him, heal him, be generous to him, cause his entrance to be wide and comfortable, wash him with the most pure and clean water, and purify him from sins as a white garment is washed clean of dirt. Give him in exchange a home better than his home (on earth) and a family better than his family, and a wife better than his wife, and protect him from the trial of the grave and the torture of Hell Fire'." This is narrated by Muslim.

4 It is reported from Abu Hurairah that the Prophet, peace be upon him, offered a funeral prayer and said: Allahummaghfir lihayatina wa mayatina wa saghirina wa kahirina wa zhakirina wa unthana. Allahumma man ahyatahu minna fa-ahyahu 'alal Islam wa man tawafthu minna fa-tawafthu 'ala iman. Allahumma la tahrimna ajrahu wa la tudalana ba'dahu. "O Allah! Forgive our living, our dead, our young, our old, our males and our females, those of us who are present, and those who are absent. O Allah! Whomsoever among us You keep to live, make him to live in Islam, and whomsoever You cause to die, let him die in faith. O Allah! Do not deprive us of our reward for (supplicating for) him, and cause us not to go astray after him." This is narrated by Ahmad and the other Sunan books. (Authentic canonical collections of hadith)

If the deceased is a child, then it is desirable to pray: Allahumma 'ij'alhu lana salafan wa zhukhran. "O Allah! Make him our forerunner and make him (a means of) reward for us and a treasure." Bukhari and Al-Baihaqi report it from Al-Hasan. Nawawi said: "If the deceased is a child, a boy or a girl, one should say what is reported in the hadith, namely, "O Allah! Forgive our living, our dead, . . . ," and add the words: Allahumma 'ij'alhu faratan li-abwaihi wa salafan wa zhukhran wa izatan wa i'tibaran wa shafi'an wa thaqil bihi mawazlnahumma wa afrlghas sabra 'ala qulubihima wa la taftinhumma ba'dahu wa la tuharim-humma ajrahu. "O Allah, make him (or her) for hisparents a forerunner, a treasure and an admonition, an honor, an intercessor, and cause him (or her) to make their scales of good deeds heavier (on the Day of Judgement). O Allah! Grant them patience, and O Allah! Do not put them to trial after him (or her) nor deprive them of his (or her) reward."

## Fiqh 4.43: Timing of Supplications

Ash-Shawkani said: There are no fixed times for these prayers. One may use any of these after all the takbirs, or after the first or second or third takbir, or divide it between each two takbirs, or say any of these prayers in between each two takbirs in the light of the practice of the Prophet, peace be upon him. It is also said that supplications should be done in the words given in the above reported hadith for both male or female dead persons.

## Fiqh 4.43 a: Supplications after the fourth takbir

It is preferred to supplicate for the deceased after the fourth takbir, even though the supplicant rnay have done so after the third takbir. This is based on a narration by Ahmad on the authority of ' Abdullah ibn Abi Awfa who said that when his daughter died, at his funeral prayer for her he made four takbirs. After the fourth takbir, he stood supplicating for as much as he did in between the other takbirs. Then he said: "The Prophet, peace be upon him, used to do the same in a funeral prayer."

Ash-Shafi'i said: "After the fourth takbir one may say, Allahumma la tuharimna ajrahu wa la taftinna ba'dahu. 'O Allah! Do not deprive us of reward for (supplicating for) him/her, nor put us to trial after him (or her)'."

Ibn Abu Hurairah said: "After the fourth takbir the elders used to say: Allahumma Rabbana atina fi ad-Dunya hasanatan wafi al-Akhirati hasanatan wa qina 'azhab an-Nar. 'O Allah! Grant us good in this life and good in the life to come, and save us from the torment of Hell Fire."

## Fiqh 4.43 b: Salutations

All jurists with the exception of Abu Hanifah are in agreement that the two salutations (saying assalamu 'alaikum wa rahmatullah), one to the right and the other to the left, are obligatory. Abu Hanifah, however is of the view that they are required, but not obligatory as a condition. Those who hold it to be obligatory argue that the funeral prayer is a prayer (salah), and as such it cannot be terminated except by salutations (to the right and left).

Ibn Mas'ud said: "Salutations at the end of a funeral prayer are similar to those said at the end of any formal prayer. The minimum that would suffice in this respect is to say: "As-Salamu 'Alaikum" or "salamun 'alaikum" (the peace be with you or peace be with you)."

Ahmad is of the opinion that one salutation - the salutation to the right - is sunnah, and there is no harm if one says it while looking straight ahead. This is based on the practice of the Prophet, peace be upon him, and his Companions who ended their funeral prayer with one salutation. No difference of opinion among them is on record on this issue.

Ash-Shafi'i holds that two salutations, turning one's face first to the right and then to the left, are commendable. Ibn Hazm said: "The second salutation is remembrance of Allah, and an act of virtue."

## Fiqh 4.44: Summary for Funeral Prayer

1 Make sure that you meet all the requirements for a formal prayer (salah);

2 Stand up with the intention of supplicating for the deceased;

3 Raise both hands with a takbir (takbirat al ihram);

4 Fold your right hand over your left hand;

5 Commence the funeral prayer with the (silent) recitation of Al-Fatihah.

6 After Al-Fatihah say another takbir,

7 Offer salutations to the Prophet, peace be upon him, and end with a takbir.

8 Now supplicate for the deceased, and end with a takbir.

9 Make a general supplication.

10 End the prayer with salutations (to the right and to the left side).

## Fiqh 4.44 a: Imam's Position in Funeral Prayer for a Male or a Female

It is sunnah for the imam to stand opposite the head of a male body, and opposite the middle of a female body. This is based on a hadith reported from Anas that he offered a funeral prayer for a male standing opposite his head. As soon as the body of the man was removed, a female body was brought in for funeral prayer. He led the prayer standing opposite the middle of her body. Thereupon he was asked, "Did the Prophet, peace be upon him, stand where you stood in the cases of a man and a woman?" He answered: "Yes." This is narrated by Ahmad, Abu Daw'ud, Ibn Majah and Tirmizhi, who regards it as a sound hadith. Al-Tahawi said: This is the most preferred position, because it is supported by other reports from Allah's Messenger, peace be upon him.

## Fiqh 4.44 b: Funeral Prayer for a Number of Dead Persons

If there are a number of bodies, including both male and female, they should be placed in separate rows, between the imam and the direction of the Ka'abah, with the best among them nearer to the imam, and a single funeral prayer may be offered for all of them.

If the deceased include both male and female, a separate prayer for each may be offered. But it is also permissible to offer one prayer for all of them at once. In such a case the male should be placed immediately before the Imam and then the female in the direction of the Qiblah.

It is reported by Nafi' from Ibn 'Umar that he offered a funeral prayer for nine of the deceased, males and females. He placed the males closest to the imam and then the females in the direction of the Qiblah. He placed all of them in one row. The funeral of Umm Kulthum, daughter of 'Ali and the wife of 'Umar, and her son called Zaid, was led by Sa'id ibn al-'As, and among the people attending this funeral were Ibn Abbas, Abu Hurairah, Abu Sa'id and Abu Qatadah. The little boy was placed before the imam. A man said: "I do not like this arrangement, and looked towards Ibn 'Abbas, Abu Hurairah, Abu Sa'id and Abu Qatadah, and said to them: "What is this?" They replied: "This is the sunnah of the Prophet, peace be upon him,. This was narrated by Nasa'i and Al-Baihaqi, and Al-Hafiz says its chain of authorities is sound.

Another hadith says that if a funeral prayer is offered for a child together with a woman, the boy should be placed nearer the imam and the woman next to it in the direction of the Qiblah. And if there are men, women and children, then the children should be placed next to the men.

### Fiqh 4.45: Three Rows for a Funeral Prayer are Commended

It is recommended that the people should make three rows ( The minimum number of people for a row is two persons) while offering a funeral prayer, and that these rows should be straight. This is based on a report from Malik ibn Habairah who said: "The Prophet, peace be upon him, said: 'Every believer who dies is forgiven by Allah if a group of Muslims comprising three rows prays for him'." That is why, if there were not many people attending a funeral prayer, Malik ibn Habayrah would make them stand in three rows. This is narrated by Ahmad, Abu Daw'ud, Ibn Majah, Tirmizhi, and Al-Hakim, who considers it a sound hadith.

Ahmad said: "If the number of people present at the funeral prayer is very small I would still prefer that they make three rows." He was asked: "What if there are only four people present?" He replied: "They may make two rows, with two persons in each line." He did not like three rows with each of them consisting of only one person.

### Fiqh 4.45 a: A Larger Number is Much Preferred

A larger gathering of people for the funeral prayer is preferable, as is reported by 'Aishah who said: "The Prophet, peace be upon him, said, 'If a Muslim dies and his funeral prayer is attended by a group of a hundred Muslims, and they all sincerely pray for his forgiveness, he is forgiven'." This is narrated by Ahmad, Muslim, and Tirmizhi.

Ibn 'Abbas reported: "I heard the Prophet, peace be upon him, saying: 'If a Muslim dies and a group of forty people, who do not associate any one with Allah, pray for him, their prayer is accepted and he is forgiven' ." This has been narrated by Ahmad, Muslim, and Abu Daw'ud.

### Fiqh 4.46: Arriving Late for Funeral Prayer

A person who misses a part of a funeral prayer should make up the missed takbirs--making them consecutively. This is preferable, but if he cannot do it there is no harm. Ibn 'Umar, Al-Hasan, Ayyub Al-Sukhtiani, and Al-Awza'i are of the opinion that such a person is not required to repeat the missed takbirs, and he should finish his prayer with the salutations led by the imam.

Ahmad said: "If he cannot make the missed takbirs, there is no harm." The author of Al-Mughni prefers

this opinion and remarks: "It is supported by a saying of Ibn ' Umar and there is nothing on record from the Companions of the Prophet (may Allah be pleased with them) to contradict it. It is reported by 'Aishah that she said to the Prophet, peace be upon him, "O Allah's Messenger, sometimes when I offer a funeral prayer, I cannot hear some of the takbirs by the imam?" He replied: "Say the takbir that you hear and do not worry about the ones that you miss. You do not have to repeat these later on." This statement is quite explicit. These are consecutive--uninterrupted--takbirs and, if missed, they need not be repeated like the ones in the 'Eid prayer.

## Fiqh 4.46 a: Persons for Whom Funeral Prayer is to be Offered

There is a consensus among the jurists that funeral prayer is offered for all Muslims, male or female, and young or old. Ibn Al-Munzhir said: "The scholars are in agreement that if it is established that an infant is born alive, that is, by his crying, sneezing, or moving etc., then, if it dies, a funeral prayer should be offered for it."

Al-Mughirah ibn Shu'bah reports that the Prophet, peace be upon him, said: "One may ride one's mount behind the funeral, and walk on foot a little ahead of it or to its right or left. A funeral prayer should be offered for an aborted baby, seeking for his parents the mercy and forgiveness of Allah." This is reported by Ahmad and Abu Daw'ud. Another narration reads: "A person on foot may walk behind a funeral, or ahead of it, or on its left side or right side or still nearer to it." According to another report, "A rider should ride behind the funeral, whereas one on foot may walk anywhere. And a funeral prayer should be offered for a child." This is reported by Ahmad, Nasa'i, and Tirmizhi, who consider it a sound hadith.

## Fiqh 4.46 b: Funeral Prayer for an Aborted Child

A miscarried fetus, less than four months old, may not be washed, nor may a funeral prayer be offered for it. It should be wrapped in a piece of cloth and buried. The majority of jurists are in agreement on this point.

On the other hand, if a miscarried fetus is four months old or older, and the existence of life in it is established, then there is a consensus that it should be washed and a funeral prayer offered for it. But if its life is not established by its movements or other evidence, then according to Malik, Al-Awza'i, AlHasan, and the Hanafi school, funeral prayer may not be offered for it. They base their opinion on a hadith transmitted by Tirmizhi, Nasa'i, Ibn Majah, and Al-Baihaqi on the authority of Jabir that the Prophet, peace be upon him, said: "If in a miscarried fetus life is established by its movements, a funeral prayer should be offered for it, and it is entitled to its share of inheritance." According to this hadith offering a funeral prayer for a miscarried fetus is conditioned upon proof of its life evident in signs of life, such as its movement, etc.

Ahmad, Sa' id, Ibn Sirin, and Ishaq are of the opinion that in the light of the above hadith, a miscarried fetus may be washed and a funeral prayer may be offered for it. The words used in this hadith are "a funeral prayer should be offered for a miscarried fetus" because it has a soul and is alive. The Prophet, peace be upon him, informed us that a fetus receives a soul when it is four months old. Others refute this argument with the assertion that there is confusion in the chain of narrators of this hadith, and besides, a stronger hadith contradicts it. But this alone does not constitute a valid argument.

## Fiqh 4.47: Funeral Prayer for a Martyr

A martyr is one who is killed in a battlefield fighting the enemies of Islam. All the hadith on this subject are quite explicit that no funeral prayer may be offered for a martyr.

Bukhari has narrated from Jabir that the Prophet, peace be upon him, ordered that the martyrs of the battle of Uhud be buried while they were still bleeding. He neither washed them nor offered a funeral prayer for them.

Ahmad, Ahu Daw 'ud and Tirmizhi reported that Anas said: "The martyrs of Uhud were not washed. They were buried with their wounds unwashed, and no funeral prayer was offered for them."

There are, however, some hadith that are equally explicit and state that a funeral prayer should be offered for martyrs. Bukhari reported from 'Uqbah ibn 'Amir that one day the Prophet, peace be upon him, went out and offered a funeral prayer for the martyrs of Uhud, eight years after their death, as if he were bidding farewell to both the living and the dead.

Abu Malik Al-Ghafari reported: "The bodies of the martyrs of Uhud were brought in batches of nine and placed with the body of Hamzah, who served as the tenth. Then the Prophet, peace be upon him, offered a funeral prayer for them. After that the nine bodies were removed leaving Hamzah undisturbed. Then a batch of another nine martyrs was brought and placed beside Hamzah. The Prophet, peace be upon him, offered a funeral prayer for them as well. This way the Prophet offered funeral prayer for all of them. This hadith has been narrated by Al-Baihaqi, who says: "This is the most sound hadith on this subject. It is, however, a mursal hadith. (Mursal: A hadith that rests on a chain of authonties going no further back than the second generation after the Prophet (peace be upon him))

The difference in the narrations in these various hadith has led jurists to differ on this matter. Some take all of them together, while others prefer some narrations over others. Ibn Hazm holds that either--offering or not offering (funeral prayer for the martyrs)--is permissible. It is alright whether or not a funeral prayer is offered for the martyrs. In one of his statements Ahmad has also expressed a similar view. Ibn al-Qayyim approves of this view and says: "The correct position in this regard is that one is given a choice whether or not to offer a funeral prayer (for a martyr), because there are reports in favor of both positions." This is the opinion also of Ahmad, and he is the proper person to describe the principles of his school. He says: "What is apparent from this is that no funeral prayer was offered for the martyrs of Uhud before burying them. There were seventy people who fell martyrs in that battle, and any funeral prayer for them could not have taken place in secret."

The hadith reported by Jabir ibn 'Abd Allah that the Prophet, peace be upon him, did not offer funeral prayer for these martyrs is sound and very explicit. Jabir' s father was among those who were killed that day, and he knew what few besides him knew.

Abu Hanifah, Al-Thawri, Al-Hasan, and Ibn Al-Musayiyaib, however, are inclined to the reports stating that the Prophet, peace be upon him, did offer funeral prayer for the martyrs. They hold that a funeral prayer must be offered for martyrs. However, Malik, Ash-Shafi'i, Ishaq, and, according to one report, Ahmad, prefer the reports that say no funeral prayer is to be offered for martyrs. Ash-Shafi'i in his Kitab al-Umm writes: "All reports received concerning this subject are sound and show that the Prophet, peace be upon him, did not offer funeral prayer for the martyrs of Uhud. Those who report that he offered funeral prayer for them and said seventy takbirs for Hamzah are not correct. Those who turn away from these sound hadith should be ashamed of themselves. The hadith reported by 'Uqbah ibn 'Amir also states that the Prophet, peace be upon him, did so eight years after their death, as if he were bidding them farewell. This does not constitute abrogation of an established practice. (See Al-Umm. by Ash-Shafi'i)

## Fiqh 4.48: A Person Surviving a Battle but later Dying of Wounds

If one is wounded in a battle, but survives, remains in a stable condition for a while, and then dies, he should be washed, and a funeral prayer should be offered for him, even though he may be a martyr. The Prophet, peace be upon him, washed Sa'd ibn Mu'azh, and offered a funeral prayer for him, after he died of his hand wounds. Sa'd was taken to the mosque, where he remained for a few days, and then he died as a martyr because of his infected wound.

If on the other hand, a wounded fighter does not survive in a stable condition, or he just talked or drank water and thereafter died, he is not to be washed or offered a funeral prayer.

The author of Al-Mughni states: "It is recorded in Futuh Al-Sham, that a man said: "I took some water to give a drink to my cousin if he were still alive after some injuries in the battle. On the way, I passed

by Al-Harith ibn Hisham, who was also wounded in the same battle. I wanted to give him a drink, but he noticed that another wounded man was looking toward him for a drink. At this he pointed that I should first give this man a drink. I went toward him to give him a drink, but he also found another man looking to him. So he gestured that I should first give him the drink. Thus they all died. None of them was washed or offered a funeral prayer although they all died after the battle.

### Fiqh 4.49: Funeral Prayer for a Person Sentenced to Death for a Crime

Anyone sentenced to death by an Islamic court is to be washed and a funeral prayer should be offered for him. This is based on a report by Bukhari that Jabir said: "A man from the tribe of Aslam came to the Prophet, peace be upon him, and confessed to fornication. The Prophet, peace be upon him, tried to avoid him four times, while the man repeated his testimony against himself. Then the Prophet, peace be upon him, asked the man: 'Are you mad?' The man said, 'No.' The Prophet, peace be upon him, asked him, 'Are you married?' He said, 'Yes.' Thereupon the Prophet, peace be upon him, ordered that the man be stoned to death. He was stoned to death at the place where ( 'Eid prayer) used to be offered. When the stones struck the man, he tried to run away, but was overtaken and killed. After his death, the Prophet, peace be upon him, spoke well of him, and offered funeral prayer for him. Ahmad said: "We know of no cases where the Prophet, peace be upon him, refused to offer funeral prayer for any one except in cases of one convicted of embezzlement (of zakat funds) and a person who committed suicide."

### Fiqh 4.49 a: Funeral Prayer for those Guilty of Embezzlement, Suicide, or Some Other Sins

The majority of Muslim scholars are of the opinion that a funeral prayer may be offered for a person who is convicted of embezzlement of public funds, or commits suicide or some similarly sinful act.

An-Nawawi said: "Al-Qadi said: 'All Muslim scholars hold that a funeral prayer be offered for all Muslims - those sentenced to death under Islamic law, or stoned to death, or those who committed suicide, or were born out of wedlock. The reports about the Prophet, peace be upon him, not praying for embezzlers and those guilty of suicide may be explained perhaps by considering such refusal to be a form of reprimand to these people. This is similar to his practice of refusing to pray for those who died in debt, though he asked other Muslims to offer the funeral prayer for them'."

Ibn Hazm said: "Funeral prayer should be offered for all Muslims, whether good or bad, including those sentenced to death and those that die fighting or in revolt. The imam, or any one other than him, may lead the funeral prayers. Likewise funeral prayers should be said for an innovator, provided his innovation does not become blasphemy, and prayer may also be said for one who commits suicide or kills some one else. A funeral prayer may be offered in all such cases even though the deceased might have been the most evil person on the face of the earth, provided he dies as a Muslim. This is based on a hadith from the Prophet, peace be upon him, that has a general bearing. "Offer a funeral prayer for your friend (a fellow Muslim)," he is reported to have said on the death of a Muslim. All Muslims are friends to one another. The Qur'an says: "Verily! The believers are but a single brotherhood" Qur'an 49.10 and "The believers, men and women, are protectors, one of another." Qur'an 9.71

To prevent others from offering funeral prayers over a Muslim is a most serious thing, for surely a sinful Muslim is more in need of prayers from his Muslim brothers than a pious and saintly person!

An authentic hadith records that a man died in Khayber, and the Prophet, peace be upon him, said: "Offer a funeral prayer for your friend. He has stolen something of the war booty." The Muslims searched the deceased's personal effects and found less than two dirham worth of beads in them.

In another sahih hadith 'Ata reported that a funeral prayer may be offered for an illegitimate child, and his mother, and for those who curse each other, (In cases of Lu'an, for instance, when in the absence of any evidence of a spouse's adultery both the man and wife are required to swear an oath that he/she is telling the truth or face being cursed by Allah if they were lying) as well as the person who is killed in requital, and the person stoned to death, and the person who flees from the battlefield and is put to death for it. ' Ata said: "I will never abstain from offering a funeral prayer for a person who says: 'I

bear witness that there is no deity except Allah.' Allah says: 'It is not fitting for the Prophet and those who believe to pray for forgiveness for pagans, even though they be of kin, after it is clear that they are companions of the Fire'.'' Qur'an 9.113

Another authentic hadith says that Ibrahim An-Nakh'i said: "Our predecessors never eschewed attending a funeral prayer for any Muslim. They offered the funeral prayer for those who had committed suicide, and it is a sunnah to offer funeral prayer for those who are stoned to death." In another sound hadith Qatadah reported: "I do not know of any scholar who refused to offer a funeral prayer for anyone witnessing that 'there is no god but Allah'." Ibn Sirin, according to a sahih hadith, said: "I do not know of any Muslim who considers it a sin to offer a funeral prayer for another Muslim."

Abu Ghalib reported: "I asked Abu Amamah Al-Bahili: 'What if a man is known to drink liquor. Should a funeral prayer be offered for him? ' He said: 'Yes, for he might [at least] once in his life, while lying down for rest, have said: "There is no deity but Allah," and he might have been forgiven by Allah' ." In a sahih hadith Al-Hasan is reported to have said: "Funeral prayer will be offered for all those who declare 'There is no deity but Allah. ' It will be offered for all Muslims; for it is an act of intercession on behalf of the deceased."

## Fiqh 4.51: Funeral Prayer for a Non-believer

A Muslim may not pray for a non-believer, for Allah says: "Nor do you ever pray for any of them that dies, nor stand at his grave, for they rejected Allah and His Messenger," Qur'an 9.84 "It is not fitting for the Prophet and those who believe to pray for forgiveness for pagans, even though they be of kin, after it is clear to them that they are companions of the Fire. And Ibrahim prayed for his father's forgiveness only because of a promise he had made to him. But when it became clear to him that he (his father) was an enemy to Allah, he dissociated himself from him." Qur'an 9.113-114

Likewise no prayer may be offered for their children, for what applies to their parents applies to them as well, except for children who accept Islam, because one of their parents was a Muslim or they die or are taken prisoner separately from either or both of their parents, then a funeral prayer may be offered for the children.

## Fiqh 4.51 a: Funeral Prayer on a Grave

It is permissible to offer funeral prayer for a deceased anytime after his burial, even if a prayer was offered prior to his burial. As mentioned above, the Prophet, peace be upon him, offered funeral prayer for the martyrs of Uhud after eight years. Zaid ibn Thabit reported: "Once we went out with the Prophet, peace be upon him . When we reached al-Baqi ' (Famous cemetery in Madinah, where a large number of the Prophet's companions are buried) we noticed a newly dug grave. The Prophet, peace be upon him, asked about it and was told that was the grave of such and such a woman. At this he said: 'Why did you not inform me of her death?' They replied, 'O Prophet of Allah! You were fasting and were resting at the time and we did not want to bother you. ' He said: 'Do not do that again. So long as I am with you, make sure you inform me when any one among you dies, for my prayers for the deceased is a mercy for them.' Then the Prophet, peace be upon him, went to the grave. We stood in rows behind him and he offered a funeral prayer for her with four takbirs." This hadith has been reported by Ahmad, Nasa'i, Al-Baihaqi, Al-Hakim and Ibn Hibban. The last two reporters regard it as a sound hadith.

Tirmizhi said: This has been the practice of most of the scholars, the Companions of the Prophet (may Allah be pleased with them), as well as others. Ash-Shafi'i, Ahmad, and Ishaq hold the same view. This hadith also shows that the Prophet, peace be upon him, offered funeral prayer at a grave when a funeral prayer had already been offered by his Companions for the deceased before her burial, for they could not bury her without a funeral prayer. From this hadith it is also obvious that praying for the dead (before the burial) was a common practice of the Companions, and was not limited only to the Prophet, peace be upon him.

Ibn Al-Qayyim said: "These proven traditions of the Prophet, peace be upon him, do not contradict the sound hadith that reports the statement of the Prophet, peace be upon him: 'Do not sit by the graves,

or offer prayer facing them.' This is a sound hadith that bids us not to sit or pray at the graves. What is forbidden is to offer formal prayer (salah) facing a grave. Offering a funeral prayer at the grave is not forbidden, for funeral prayer does not have to be offered at any specific place. It is rather better offered outside a mosque than inside it. The funeral prayer at the grave is similar to offering it beside the coffin. In either case the prayer is offered for the deceased, and his body, whether it is in the coffin or in the grave, remains in the same position. Offering prayers other than funeral prayers are forbidden at graves, for there is a risk that this may tum these graveyards into mosques, against which the Prophet, peace be upon him, wamed us. He cursed those who tum graves into places of worship, saying: 'Some evil people will be overtaken by the Day of Judgement, including those (evil people) who tum graves into mosques.' This warning has no bearing on an act that the Prophet, peace be upon him, repeatedly perfommed. "

## Fiqh 4.52: Funeral Prayer for an Absentee and for a Person who has Disappeared

Offering a funeral prayer for an absent person in another city is pennissible, whether the city is near or far. In such a case those offering funeral prayer should stand facing the qiblah, even if the city where the absentee is located is not in the direction of the qiblah. After making an intention to pray for the absentee, takbirs should be said as they are nommally said in funeral prayer over a deceased who is present. This is based on a hadith reported by the group on the authority of Abu Hurairah that the Prophet, peace be upon him, infomned people about the death of Negus the day he died, and then took them out to offer funeral prayer for him. There he arranged his Companions in rows and said four takbirs.

Ibn Hazm said: "The funeral prayer for an absentee may be perfommed by a group of people under an imam. The Prophet, peace be upon him, offered a funeral prayer for Negus, who had died in Ethiopia, with his Companions standing in rows behind him. There is consensus among the Companions regarding this issue, and it should not be overlooked. Abu Hanifah and Malik, however, disagree with this view, but they have no ground for this disagreement."

## Fiqh 4.53: Offering Funeral Prayer in a Mosque

There is no harm in offering funeral prayer in a mosque, if there is no danger of it becoming unclean. This is based on a narration of Muslim from 'Aishah who said: "The Prophet, peace be upon him, offered a funeral prayer for Suhail ibn Baida in the mosque, and the Companions likewise offered funeral prayer for Abu Bakr and 'Umar in the mosque, and no one objected to it, because the funeral prayer is similar to other (formal) prayer. '

Abu Hanifah and Malik do not approve of it, citing a hadith of the Prophet, peace be upon him, to the effect that whoever offers a funeral prayer in the mosque would have nothing (i .e. no reward) . This statement not only contradicts the practice of the Prophet, peace be upon him, and his Companions, but is also a weak hadith due to other reasons. Ahmad ibn Hanbal said: "This is a weak hadith, and is reported through a single transmitter, Salih, the freed slave of Al-Tawamah, and he is an unreliable narrator. Some scholars, however, hold that this hadith of the Prophet, peace be upon him, is sound, and the words, reported by Abu Daw'ud, "Whoever offers a funeral prayer in a mosque would have nothing," mean such a person would not incur any burden (of sin). Ibn AlQayyim said: 'It was not the usual practice of the Prophet, peace be upon him, to offer a funeral prayer in the mosque. Rather he would usually offer funeral prayers outside the mosque except when for some reason he had to offer it in the mosque. In certain cases he did offer funeral prayer in the mosque, as in the case of Ibn Baida, which shows that funeral prayer may be offered either inside or outside the mosque, but to do so outside the mosque is preferable."

## Fiqh 4.53 a: Funeral Prayer in the Graveyard

A majority of jurists disapprove of offering funeral prayer in a graveyard. This is the view of 'Ali, Abd-Allah ibn 'Amr, and Ibn 'Abbas, and also of 'Ata, An-Nakh'i, Ash-Shafi'i, Ishaq, and Ibn Al- Munzhir, and they cite the Prophet's hadith: "The entire earth is a mosque except for a graveyard and a bathroom."

In a report from Ahmad it is said: "There is no harm in offering a funeral prayer (as distinct from formal salah) in a graveyard as the Prophet, peace be upon him, himself offered a funeral prayer over a deceased while he was buried in his grave. Abu Hurairah also offered a funeral prayer over the grave of 'Aishah in the middle of the cemetery of Al-Baqi', which was attended by Ibn 'Umar. And 'Umar ibn Abd al-'Aziz did likewise."

### Fiqh 4.53 b: Women are Permitted to Offer Funeral Prayers

A woman, like a man, may offer a funeral prayer, singly or in a congregation. In fact, once when Umm 'Abdallah offered funeral prayer for 'Utbah, 'Umar waited until she finished. 'Aishah ordered the body of Sa'd ibn Abi Waqqas to be brought to her so that she could offer a funeral prayer over him.

An-Nawawi said: "Women may offer (funeral) prayer in congregation just as they are permitted to perform other sunnah prayers. Al-Hasan ibn Saleh, Sufiyan Al-Thawri, Ahmad, and the Hanafi school also hold the same view. Malik, however, is of the opinion that women should offer the funeral prayer individually.

### Fiqh 4.54: The Most Worthy Person to Lead a Funeral Prayer

Jurists differ as to the most worthy person to lead a funeral prayer. Some said: "The most appropriate person is the legal guardian of the deceased, then the (Muslim) ruler, then the father of the deceased, grandfather, or great grandfather, then the son or the grandson, then the one closest in relationship. This is the opinion of the Maliki and Hanbali schools. Others said: The best person is the father, then the grandfather, then the son, then the grandson, then the brother, then the nephew, then the paternal uncle, and then his son in accordance with their blood ties with the deceased. This is the opinion of AshShafi'i and Abu Yusaf. Abu Hanifah and Muhammad ibn Al-Hasan, however, are of the opinion that the preferred order is the (Muslim) ruler if present at the funeral, then the judge, then the imam of the locality, then the guardian of a deceased woman, then the nearest blood relative. Of the blood relatives, if both father and his son are present, the father should be given precedence.

### Fiqh 4.54 a: Joining the Funeral Procession and Carrying the Coffin

A certain etiquette is recommended while walking in a funeral procession or carrying a coffin:

1 Carrying a coffin and accompanying it to the graveyard is recommended. According to the sunnah it is preferable to go all around the coffin while carrying it. Ibn Majah, Al-Baihaqi, and Abu Daw'ud At-Tayalisi report that Ibn Mas'ud said: "If one walks in a funeral procession and carries the coffin, one should do so from all the sides of the coffin, for this is a sunnah of Prophet, peace be upon him." But this is optional. Abu Sa'id reported that the Prophet, peace be upon him, said: "Visit the sick, and follow the funeral procession, for it will (help) remind you of the Hereafter." This was narrated by Ahmad with a sound chain of narrators.

2 A funeral procession must proceed at a fast pace. The group reported on the authority of Abu Hurairah that the Prophet, peace be upon him, said: "Walk briskly while carrying a coffin, for if the deceased is righteous, you would be taking it to something better, and if he or she is an evil person, then you will be getting him or her off your necks." Ahmad, Nasa'i, and others reported that Abu Bakrah said: "If you had seen us following a funeral procession along with the Prophet, peace be upon him, you would have thought that we were jogging." Bukhari reported in his book on History that, when Sa'd ibn Mua'zh died, the Prophet, peace be upon him, walked at such a fast pace behind his funeral that our shoes came apart."

The author of Al-Fath said: "In short, it is preferable to walk fast in a funeral, but this should not harm or affect the coffin or put to hardship those carrying the coffin or following it, because that would defeat the Islamic goal of promoting hygiene and avoiding placing undue hardship on other Muslims." Al-Qurtubi said: "This hadith means that people should not delay the burial, because such a delay is often the result of arrogance and vanity.

3 One may walk in front of the funeral, behind it, to its right side, or left side, or close to it. There is a difference of opinion among the scholars on this point. The majority of the scholars hold that walking in front of the funeral is preferable, for the Prophet, peace be upon him, Abu Bakr, and 'Umar used to walk in front of it, as narrated by Ahmad, and compilers of Sunan.

The Hanafi school holds that walking behind a funeral is preferable, as is indicated from the words of the Prophet, peace be upon him, concerning following a funeral.

Anas ibn Malik is of the opinion that one may walk anywhere in a funeral procession, as mentioned above in the hadith of the Prophet, peace be upon him: "A rider should ride behind the funeral, whereas one on foot may walk behind it, or in front of it, or to its right side or left side, or close to it." Apparently there is no hard or fast rule in this regard, and the difference of opinion in this regard is quite legitimate.

Abdur Rahman ibn Abza reported that Abu Bakr and 'Umar used to walk in front of a funeral, while 'Ali walked behind it. When told that Abu Bakr and 'Umar were walking in front of the funeral, 'Ali remarked: "They both know that walking behind a funeral is better than walking in front of it, just as the prayer of a person in congregation (jama'ah) is better than the prayer of one offering it alone. But Abu Bakr and 'Umar did so in order to make it easy for others." This was narrated by Al-Baihaqi and Ibn Abu Shaibah. Al-Hafiz said its chain of authorities is sound.

Riding behind the funeral, without a valid excuse, is disliked in the opinion of the majority of scholars. Doing so after the burial, is not disliked, however, and is quite acceptable, as indicated by a hadith narrated by Thawban, which says that the Prophet, peace be upon him, was brought a mount to ride during a funeral, but he declined. But, when he returned after the burial and was offered a mount, he rode on it. They asked him about this (why he declined to mount during the funeral procession) and he replied: "Verily, the angels were walking with the funeral, so I did not like to ride while the angels were walking. But, when the angels left, I rode the mount." This was narrated by Abu Daw'ud, Al-Baihaqi, and Al-Hakim, who said this hadith is sound according to the criterion of Muslim and Bukhari. Tirmizhi narrated that the Prophet, peace be upon him, walked with the funeral of Ibn Ad-Dahdah, but on his way back he rode on horseback. According to Tirmizhi this is a sound hadith.

This hadith does not contradict the other hadith in which the Prophet, peace be upon him, is reported to have said: "A rider must stay behind a funeral," since this may imp!y that such an act is disliked, though permissible. The Hanafi school holds that there is no harm in riding, although it is better to walk unless for some valid reason one is unable to do so. And in light of the above hadith a rider should stay behind the funeral procession. Al-Khattabi said: "I know of no difference of opinion amongst scholars on the point that a rider should stay behind a funeral procession."

## Fiqh 4.56: Actions to be Discouraged in a Funeral Procession

While accompanying a funeral procession, it is disliked to:

1 Recite or raise one's voice or any similar activity.

2 Carrying torches of fire in a funeral procession.

3 Sitting down, when one is following a funeral before those carrying the coffin put it down.

4 Remain seated when a funeral procession passes by.

5 Permit women to accompany a funeral procession.

## Fiqh 4.56 a:

Recite or raise one's voice or any similar activity. Ibn Al-Munzhir related that Qais ibn 'Abbad said: "The Companions of the Prophet, peace be upon him, disliked raising one's voice on three occasions, namely, funeral processions, when remembering Allah, and on the battlefield."

Sa'id ibn Al-Musaib, Sa'id ibn Jubair, Al-Hasan, An-Nakh'i, Ahmad, and Ishaq did not like it when anyone from the rear of the funeral procession exhorted others to pray for forgiveness of the deceased. Al-Awza'i said: This is a bid'a (innovation in religion). Fuzhail ibn 'Amr said: "Once, while Ibn 'Umar was present at a funeral, he heard someone from behind saying: 'Pray for Allah's forgiveness for the deceased. May Allah forgive him.' Ibn 'Umar said: 'May Allah not forgive you'."

An-Nawawi said: "You should know that the right manner of accompanying a funeral procession is to remain quiet, as the pious among the previous generations of Muslims did. One should not raise one's voice for recitation or for the remembrance of Allah, or for anything else. Keeping quiet is better and is helpful in concentrating one's attention on the funeral rites, which is needed at that time. This is the correct position, and the fact that a large number of people do otherwise does not change it. There is a consensus among scholars that the way ignorant people recite in the funeral processions, artificially prolonging sounds of various words and mixing them up, is forbidden.

Mohammad 'Abduh issued a verdict concerning raising one ' s voice for the remembrance of Allah while following the funeral procession, in which he said: "In reference to the raising of one's voice in a funeral procession for remembrance of Allah, we find in Al-Fath, under the chapter on "Funerals," that it is disliked for a person walking in front of a funeral procession to make such remembrance loudly. If one wants to make any remembrance, one may do it in one's heart. Loud remembrance is something quite new, and there is no precedent for it from the days of the Prophet, peace be upon him, and his Companions, or from the generation following them or their Successors. Such a practice must be discouraged and stopped."

### Fiqh 4.56 b: Carrying torches or fire in a funeral procession

These are forbidden as they are vestiges of the Days of Ignorance. Ibn Al-Munzhir said: "This practice is disliked by all men of knowledge and scholars on record. Al-Baihaqi said: 'Aishah, 'Ubadah ibn Al-Samit, Abu Hurairah, Abu Sa'id Al-Khudri, and Asma, the daughter of Abu Bakr, all stated in their respective wills that their funeral processions should not include anyone carrying fire (or torches). According to Ibn Majah, Abu Musa Al-Ash'ari, on his deathbed, directed his heirs, saying: "Do not follow my funeral procession carrying any censers (with fires in them to burn frankincense for its aromatic smoke and fragrance)." The people asked him: "Did you hear anything from the Prophet concerning this?" He said: "Yes, I heard the Prophet, peace be upon him, saying so. (Among the narrators of this hadith is a man called Abu Huraiz, the freed slave of Mu'awiyah, who is "unknown" amongst the narrators of hadith)

If the burial takes place at night, however, fire or torches may be used for light. Tirmizhi has reported on the authority of Ibn Abbas that once at night the Prophet, peace be upon him, entered a grave to bury a dead person, and a lantern was given to him and he took it." Tirmizhi said: This hadith from Ibn 'Abbas is sound.

### Fiqh 4.57: Sitting down, when one is following a funeral, before those carrying the coffin put it down

Bukhari said: "A person accompanying a funeral procession should not sit down until the coffin is placed on the ground, and if he sits he should be asked to stand up." He reports from Abu Sa'id Al-Khudri that the Prophet, peace be upon him, said: "Stand up when you see a funeral procession, and he who accompanies it should not sit down until the coffin is placed on the ground." Bukhari also reports from Sa'id Al-Maqabari who narrated that his father said: "We were attending a funeral, and Abu Hurairah was holding Marwan's hand, and they both sat down before the coffin was placed on the ground. At this Abu Sa'id approached them, and taking Marwan by his hand said to him: 'Stand up! By Allah, this man (i.e., Abu Hurairah) knows that the Prophet, peace be upon him, has forbidden us (to sit).' Upon hearing this Abu Hurairah said: 'He is right." This has also been reported by Al-Hakim, with the following addition: "When Abu Sa'id told Marwan to stand up, he stood up and then asked him: 'Why

have you made me stand up?' At this Abu Sa' id related this hadith to him. Then Marwan asked Abu Hurairah why he had not informed him about that hadith. Abu Hurairah replied: 'You were walking ahead of me, so when you sat down I too sat down." Most of the Companions, their successors, the Hanafi and Hanbali schools, Al-Awza'i and Ishaq hold this vlew.

The followers of Ash-Shafi'i, however, hold that a person walking in front of a funeral procession may sit down before the coffin is placed on the ground. There is agreement among scholars that for those walking ahead of the funeral precession there is no harm if they arrive early at the place of burial and sit down before its arrival.

Tirmizhi said: "It is related from some knowledgeable Companions of the Prophet, peace be upon him, and others that they would walk ahead of a funeral procession, and would sit down if they reached the place of burial before the coffin. This is the opinion of Ash-Shafi'i, who holds that, if a funeral arrives while one is seated, one need not stand upon its arrival. Ahmad said: "There is no harm whether one stands up or remains seated upon its arrival."

## Fiqh 4.58: Remain Seated When a Funeral Procession Passes by

Ahmad has reported that Waqid ibn 'Amr ibn Sa'd ibn Mu'azh said: -I attended a funeral procession in the tribe of Banu Salimah. I stood up on seeing the funeral procession. Thereupon Naf'i ibn Jubair said to me: 'Sit down. I will give you the reason for this. Mas'ud ibn Al-Hakim Az-Zurrqi told me that he heard 'Ali ibn Abi Talib saying: -The Prophet, peace be upon him, commanded us to stand up upon seeing a funeral procession, but later on he would remain seated, and bade us to do the same.' ' - Muslim has reported it in these words: "We saw the Prophet, peace be upon him, standing, so we stood. Then he sat down, and we too sat. Tirmizhi said: 'This hadith from 'Ali is sound, and it includes four of the successors of the Companions who related it successively. According to some people of knowledge this is the common practice.''

Ash-Shafi'i said: -This is the most authentic report on the subject. This hadith abrogates the one cited previously which says: 'Stand up when you see a funeral procession.' - Ahmad said: -One may or may not stand up for a funeral procession, depending on one's preference. He argues that the Prophet, peace be upon him, used to stand up for a funeral, but later on he would remain seated.' This is also the opinion of Ishaq ibn Ibrahim. Ahmad, Ishaq ibn Hubaib, and Ibn Al-Majishun of the Maliki school.

An-Nawawi said: "Considering all these opinions, standing up upon seeing a funeral procession is desirable." Al-Mutawalli and Ahmad also hold this view.

Ibn Hazm said: "Standing up upon seeing a funeral procession is recommended, even if it is a funeral of a disbeliever or a pagan, until the coffin is placed on the ground or disappears from sight. But if someone remains seated there is no harm. Those who hold it as a desirable act cite what is related by the group on the authority of Ibn 'Umar who reported from 'Amir ibn Rabi'ah that the Prophet, peace be upon him, said: "When you see a funeral procession stand up for it, and remain standing until it disappears from sight or (the coffin) is placed down on the ground." Ahmad said: "Whenever Ibn 'Umar saw a funeral procession he would stand up for it and would remain standing until it passed by."

Sahl ibn Hanif and Qais ibn Sa'd reported that they were sitting in Qadisiyyah (A town in Syria) and a funeral procession passed by them. On seeing it both of them stood up for it. They were told it was the funeral of a non-Muslim. They said: -Once when a funeral procession was passing by, the Prophet, peace be upon him, stood up for it. And when told that it was funeral procession of a Jew, he exclaimed: 'Does he (a Jew) not possess a soul?'' (Bukhari and Muslim) Ibn Mas'ud and Qais used to stand up for a funeral procession.

The wisdom behind standing, according to Ahmad, Ibn Hibban and Al-Hakim, as stated in a hadith related from the Prophet, peace be upon him, is "to show respect to Him Who seizes the souls" or in the words of Ibn Hibban "as a mark of respect to Allah Who seizes the souls."

In short, there is disagreement on this issue among the scholars. Some disapprove of standing for a funeral procession, while others prefer it. Some leave it to the individual's discretion. Each of these scholars supports his stand with specific arguments, and one may follow any of these opinions.

## Fiqh 4.59: Permit Women to Accompany a Funeral Procession

Umm 'Atiyah reported: "We were forbidden to accompany funeral processions, but this prohibition was not mandatory for us." (Reported by Ahmad, Bukhari, Muslim & Ibn Majah) Abdullah ibn 'Amr reported: "Once while we were with the Prophet, peace be upon him, he saw a woman - whom we thought he did not recognize - so he waited until she reached him. It was Fatimah, his daughter. He asked her: 'What caused you to leave your house?' She said: 'I came to visit the family living in this house in order to offer my condolences and to comfort them in their grief.' He said: 'Did you accompany them to the graveyard?' She said: 'God forbid! How could I do that, when I know what you have said in this respect.' The Prophet, peace be upon him, said: 'Had you accompanied the funeral procession to the graveyard, you would never have seen Paradise, not until your grandfather's father had seen it! (Reported by Ahmad, Al-Hakim, Nasa'i, and Baihaqi. The scholars, however, question the validity of this hadith, claiming it is not a sound hadith, because among its narrators is Rabi'ah ibn Saif, who is not trustworthy)

Muhammad ibn Al-Hanafiyyah reported that 'Ali said: "The Prophet, peace be upon him, went out and saw a group of women sitting outside. When he asked them why they were sitting there, they told him that they were waiting for the funeral procession. He asked them: 'Are you going to wash the body?' They said: 'No.' The Prophet, peace be upon him, asked them: 'Are you going to carry the coffin?' They said: 'No.' He asked them: 'Will you place the body in the grave?' They said: 'No.' At this he said to them: 'Then go back to your homes with your sins and without gaining any reward." (Reported by Ibn Majah and Al-Hakim. But one of its narrators is Dinar ibn 'Omar, who is not reliable. Abu Hatim says he is not well known, Azdi describes him as matruk (unacceptable), and Al-Khalili in his Al-Irshad calls him "a liar.") Ibn Mas'ud, Ibn 'Umar, Abu Amamah, 'Aishah, Masruq, Al-Hasan, An-Nakh'i, Awza'i, Ishaq, and the Hanafi, Shafi'i and Hanbali schools hold this view. They all disapprove the participation of women in funeral processions. According to Malik, it is not disliked for an old woman to leave her home to attend a funeral. In his opinion, a young woman afflicted by the death of a dear one may also accompany a funeral procession without any disapproval, provided she is well covered and her presence does not cause any temptation.

Ibn Hazm contends that the argument put forth by the majority of scholars is not sound, and that it is permissible for women to accompany funeral processions. He said: "We do not disapprove of women attending a funeral procession, nor do we prevent them from doing so. Among the traditions reported on this subject there is no authentic hadith. There are either mursal (Mursal: Report of a successor (tab'i) directly from the Prophet without mentioning the Companion who might have heard it directly) or majhul (unknown) or such as cannot be presented as an argument." Then he mentions the hadith by Umm 'Atiyyah and says: "Even if it were a sound hadith it does not prove prohibition, but merely shows that it is disliked. In fact the reverse is true if we take into account the hadith narrated by Shu'bah on the authority of Waki', who in turn narrated it from Hisham ibn 'Urwah, who heard it from Wahab ibn Kaysan, who heard it from Muhammad ibn 'Amr ibn 'Ata who reported it from Abu Hurairah that once when the Prophet, peace be upon him, attended a funeral, 'Umar saw a woman there and yelled at her. The Prophet, peace be upon him, said: "Leave her, O 'Umar! Verily her eyes shed tears, the soul feels the pangs, and the promised hour is near." (The chain of authorities of this hadith is sound) In a sound hadith it is reported from Ibn 'Abbas that he did not regard it as a disliked act.

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## Fiqh 4.60: Not Attending a Funeral due to Some Forbidden Acts

The author of Al-Mughni said: "If one sees or hears something that is forbidden while attending a funeral, and one is capable of countering and rectifying it, one should do so. If not, then one may do one of two things: voice his disapproval of it, and continue with the funeral which will free one from any responsibility of any such disapproved acts, without abandoning the good for the bad. The second course open to a person in such a case is to leave the funeral procession, especially when one is able to leave it, so that one's continued participation will not lead one to hear or see a forbidden thing."

## Fiqh 4.61: Burial is a Collective Obligation

There is a consensus that burying a dead body and covering it is a collective obligation (fard kifayah). If some Muslims bury the dead body, it would absolve the rest of them from this obligation. Allah, the Almighty, says: "Have We not caused the earth to hold within itself the living and the dead?" Qur'an 77.25-26

The majority of scholars are of the opinion that it is permissible to bury the dead anytime during the day or night. The Prophet, peace be upon him, buried at night a man, who used to remember Allah aloud during the night. Similarly 'Ali buried Fatimah at night. Abu Bakr, 'Uthman, 'Aishah, and Ibn Mas'ud were buried during the night as well.

Ibn ' Abbas reported: "The Prophet, peace be upon him, went into a grave one night and was given a lamp. Then he lifted the body from the side toward the qiblah, saying: "May Allah be merciful to you. You used to cry a lot and often recited the Qur'an." After this the Prophet, peace be upon him, said four takbirs."(Reported by Tirmizhi, who considers it a sound hadith) Tirmizhi said: "Most scholars consider the burial of the dead at night permissible, provided the rights of the deceased are not neglected.

The same applies to offering a funeral prayer for the deceased. The Prophet, peace be upon him, commanded his followers not to bury the deceased at night if it is feared that any of his rights might be neglected. Night time burial in such a case is disliked.

One day the Prophet, peace be upon him, delivered a sermon and mentioned one of his companions who had died and had been wrapped in a short shroud and buried during the night. The Prophet, peace be upon him, expressed his disapproval of burying someone at night unless one is compelled to do so. (Muslim) Jabir reported that the Prophet, peace be upon him, said: "Do not bury your dead during the night unless you are compelled to do so." (Ibn Majah)

## Fiqh 4.62: Burial at Sunrise, at Midday, or at Sunset

There is a consensus that a body may be buried during any of these three times whenever there is danger of it decomposing otherwise. If there is no such danger, its burial during these times is still permissible, according to the majority of scholars, provided that it is not done so on purpose, as reported by Ahmad, Muslim, and the compilers of Sunan on the authority of 'Uqbah who said: "The Prophet, peace be upon him, forbade us from offering prayer or burying our dead at three times: at sunrise, until the sun rises high in the sky; at noon, when the sun is above one's head until it declines a little; and when the sun begins to go down until it sets." The Hanbali school holds that in light of the above hadith burial during these times is undesirable without exception.

## Fiqh 4.62 a: Digging a Deep Grave is Desirable

The purpose of burial is to hide the body in a pit in order to prevent its stench from fouling the atmosphere, and to save it from being eaten by various beasts and birds. If these conditions are met and this purpose is served, then one has carried out one's responsibility . It is encouraged, however, to make the depth of the grave equal to the height of an average man. This is based on a hadith reported by Nasa'i and Tirmizhi (who considers it a sound hadith) from Hisham ibn 'Amer who said: "We

complained to the Prophet, peace be upon him, on the day of the battle of Uhud, saying: 'O Allah's Messenger! Digging a separate grave for every body is a very hard job.' The Prophet, peace be upon him, said: 'Dig, dig deeper, dig well, and bury two or three bodies in each grave.' The Companions asked him: 'Who should be put in the graves first?' The Prophet, peace be upon him, said: 'Put those most learned in the Qur'an first.' My father, the narrator added, was the third of the three who were put in one grave."

Ibn Abi Shaibah and Ibn Al-Munzhir reported that 'Umar said: "Dig a grave deep enough for a man's height and make it broader." According to Abu Hanifah and Ahmad the grave should be deep enough for half of the average height of a man, but if dug deeper, it is better.

## Fiqh 4.62 b: A Lahd is Better than an Ordinary Grave

Lahd is a crevice on the side of a grave facing the qiblah, which is covered with unburnt bricks like a house with a roof. A regular grave, on the other hand, is a pit dug in the ground, with the body placed in it and then sealed off with unburnt bricks and covered to form a ceiling. Either of these two methods is permissible, but the first one--lahd--is preferable in the light of a hadith reported by Ahmad and Ibn Majah on the authority of Anas who said: "When the Prophet, peace be upon him, died, there were two grave diggers. One usually dug the lahd and the other a regular tomb-like grave. The Companions said: 'Let us seek guidance from our Lord.' Then they asked each of them to dig a grave, and decided the grave of the one who finished first be chosen for the burial of the Prophet's remains. The one who dug the lahd finished first, so they buried the remains of the Prophet, peace be upon him, in a lahd."

This hadith shows that both forms are permissible. The fact that the lahd is preferable is indicated by a tradition transmitted by Ahmad and the Compilers of the Sunan on the authority of Ibn 'Abbas who reported: "The Prophet, peace be upon him, said: 'Lahd is for us, and digging a pit (i.e., a regular grave) for others."'

## Fiqh 4.63: Placing a Body in the Grave

It is sunnah to place a body in the grave with its feet first, if this is possible and can be done easily. This is based on a hadith reported by Abu Daw'ud, Ibn Abi Shaibah, and Al-Baihaqi that Abdallah ibn Zaid placed a body with its feet first in the grave and said, "This is sunnah." If this is not easy, then a body could be placed in the grave in any manner possible.

Ibn Hazm said: "A body may be placed in the grave in any manner possible, from the direction of the qihlah, or from a direction opposite to it, with its head first, or with its feet first, for there is no explicit instruction regarding this in the texts."

An-Nawawi said: "You should know that the right manner of accompanying a funeral procession is to remain quiet, as the pious among the previous generations of Muslims did. One should not raise one's voice for recitation or for the remembrance of Allah, or for anything else. Keeping quiet is better and is helpful in concentrating one's attention on the funeral rites, which is needed at that time. This is the correct position, and the fact that a large number of people do otherwise does not change it. There is a consensus among scholars that the way ignorant people recite in the funeral processions, artificially prolonging sounds of various words and mixing them up, is forbidden.

## Fiqh 4.63 a: Placing the Body Facing the Qiblah, Praying for the Deceased, and Loosening the Shroud

The practice of the learned ones has been to place the body on its right side facing the qiblah. The person placing the body in the grave should say: "In the Name of Allah, and in accordance with the tradition of Allah's Messenger, peace be upon him. " Then he should loosen the shroud. Ibn ' Umar reported that when a body was placed in the grave, the Prophet, peace be upon him, used to say: Bismillah wa 'ala sunnat rasulillah. "In the name of Allah, and in accordance with the tradition of Allah's Messenger or the practice of Allah's Messenger." (Reported by Ahmad, Abu Daw'ud, Tirmizhi, Ibn Majab

and Nasa'i, who transmitted it both as a mauquf hadith (its chain of transmitters stopping at a Companion), and as a musnad (uninterruptedly from the Prophet himself)).

## Fiqh 4.63 b: Placing Clothes in the Grave is Disliked

The majority of jurists dislike the idea of placing a garment, a pillow, or the like for the deceased in the grave. Ibn Hazm, however, sees nothing wrong in placing a piece of garment under the body in the grave, in light of a hadith reported by Muslim from Ibn 'Abbas who said: "A red piece of cloth was placed in the grave of the Prophet, peace be upon him." Ibn Hazm says apparently it was Allah's Will to permit them to do so, because His Prophet, the innocent and guiltless, and others who practiced it were, according to the consensus, indeed the best of men, and none of them ever objected to it."

The scholars consider it desirable, however, for the head of the deceased to be placed on a brick, a stone, or on the ground with his right cheek on a brick or some other similar thing, and with his shroud removed from his face so that his left cheek is open to the soil. 'Umar advised his heirs: "After having placed my body in the grave, leave my cheek open to the soil." Similarly Ad-Dahak in his will gave instructions that his shroud should be untied and his cheek exposed. It is preferred if something, some bricks or stones or soil, is placed to support the body so as not to leave it flat on its back.

Abu Hanifah, Malik, and Ahmad hold that a piece of cloth may be spread over a female body, but not over a male body, when lowering it into the grave. The Shafi'i school, however, is of the opinion that doing so is desirable for both male and female.

## Fiqh 4.64: Throwing Three Handfuls of Soil over the Grave

It is desirable to encourage those attending the burial to throw three handfuls of soil over the grave from the head of the body. This is based on a hadith by Ibn Majah which says: "The Prophet, peace be upon him, once offered a funeral prayer and then went to the deceased's grave and threw three handfuls of soil from near the deceased's head." Abu Hanifah, Ash-Shafi'i, and Ahmad hold that when throwing the first handful one should say, "Of this (i.e. the earth) We created you," and on the second one should say, "And to it shall We cause you to return," and on the third handful one should say, "And of it We shall cause you to be resurrected a second time." This is based on a hadith that the Prophet, peace be upon him, said this when his daughter Umm al-Kulthum was laid in her grave. Ahmad said: "Nothing is required to be said while throwing handfuls of soil over the grave because this is a weak hadith.

## Fiqh 4.64 a: Praying for the Deceased After its Burial

After the burial, it is desirable to pray for forgiveness of the deceased and acceptance (of his conduct by Allah), because at this time he is being questioned about his life. It is reported by 'Uthman: "After burial the Prophet, peace be upon him, would stand by the grave of the deceased and say: "Seek forgiveness for your brother and pray for his acceptance, because he is now being questioned about it." (This hadith is reported by Abu Daw'ud and al-Hakim, who considers it a sound hadith. Al-Bazzar says: "This is the only report from the Prophet (peace be upon him) on this subject.) Ruzain reported: "After the deceased was buried 'Ali used to pray: 'O Allah! This is Your servant, who is now a guest of Yours, and You are the best host. Forgive him, and expand the entrance into heaven for him." Ibn 'Umar liked to recite the first and the last few verses of Surah AlBaqarah by the grave after the burial was over. (Reported by Al-Baihaqi with a sound chain of narrators.)

## Fiqh 4.65: Prompting the Deceased After the Burial

Ash-Shafi'i and some other scholars prefer that a deceased (A deceased if he or she is an adult, but not in the case of a child) be "prompted" after the burial. This is based on a report by Sa' id ibn Mansur from Rashid ibn Sa'd and Damarah ibn Habib and Hakim ibn 'Umair. They said: "After the grave is leveled and the people leave, one should stand by the grave and say three times to the deceased: 'O so-and-so, say: "There is no god but Allah, I bear witness that there is no god but Allah",' 'O so-and-so,

say: "Allah is my Lord, Islam is my din, and Muhammad is my prophet." ' And then one should leave the site." This is reported, without any comment, by Al-Hafiz in his book Al-Talkhis. At-Tabarani reported that Abu Amamah said: "When one of your brethren passes away and you have leveled the ground over his grave, you should stand by the grave's head and say: 'O so-and-so, son of so-and-so,' for the deceased will hear him, but he cannot respond. Then he should say 'O so-and-so, and son of so-and-so, whereby the deceased will sit up in his grave. Then he should say: 'O so-and-so, son of so-and-so, at which the deceased says: "Guide me, may Allah be merciful to you,' but you cannot hear him. Then he should say to the deceased: 'Remember the faith with which you left this world, and remember to bear witness that there is no god but Allah and Muhammad is His servant and Messenger, and remember that you have accepted Allah as your Lord, Islam as your religion, Muhammad as your Prophet and the Qur'an as your guide. ' At this Munkar and Nakir (the two angels appointed to question the people in the graves) will hold each other's hand and say: 'Let us go! Why should we sit for a person who has been taught this."' A man asked: "O Allah's Messenger! What if one did not know the name of the deceased's mother?" The Prophet, peace be upon him, replied: "In such a case, one should call him by his first mother, Eve, and say: 'O so and so, O son of Eve)." (Al-Hafiz in his book Al Talkhis said that the chain of narrators of this hadith is sound. Ad-Diaya' in his Al-Ahkam has also described it as a sound hadith. There is in its chain of narrators one called 'Asim ibn Abdullah who is a weak narrator.) Haithami refers to this hadith and says there are some narrators in its chain whom he did not know as trustworthy.

An-Nawawi said: "The above hadith, even if it is a weak one, would be considered a source of reference. The scholars of hadith and others agree that in matters such as virtue, exhortation to good, and waming against evil, even the weak hadith are admissible. The above hadith is, however, supported by other evidence including the hadith in which the Prophet, peace be upon him, is reported to have asked his Companions, 'pray that he be supported.' Another is the hadith about the will made by 'Amr ibn Al-'As. Both of these hadith are sound. The people of Syria still act on this, when the occasion arises, until this very day."

Both the Maliki school, according to general report, and the Hanbali school consider prompting the deceased reprehensible. Al-Athram said: "I asked (Imam) Ahmad ibn Hanbal: 'This is what they do when the deceased is buried. A man stands by the graveside and says: "O so and so and son of so and so (his mother's name").' Ahmad said: 'I have never seen anyone doing this except the Syrians when Abu Al-Mughirah died."' He transmitted something about the subject from Abu Bakr ibn Abi Maryam according to which their elders said that they used to do it. Isma'il ibn 'Ayyash related the hadith reported by Abu Amamah.

## Fiqh 4.66: The Sunnah Concerning Graveyards

The sunnah is to raise the grave at least one hand above the ground so it is known that it is a grave. It is forbidden to raise it more than that. This is based on a narrative reported by Muslim and others from Harun that Thamamah ibn Shufayy told him: "Once we were with Fadalah bin 'Ubayd in the Roman land of Brudis. One of our companions died and upon burying him we were ordered by Fudalah ibn 'Ubayd to level his grave. Then Fudalah said: 'I heard Allah's Messenger, peace be upon him, ordering people to level the graves of the deceased." It is reported from Abul al-Hayaj al-Asadi who said 'Ali bin Abu Talib told me: "Should I not instruct you to do as the Messenger of Allah, peace be upon him, instructed me? Do not leave a statue standing without removing it. Do not leave a grave raised without leveling it."

Tirmizhi said: "Some scholars act upon this opinion. They disapprove of raising the grave more than necessary to indicate that it is a grave, and so people will not step or sit on it." Muslim governors used to destroy cemetery structures not permitted by the law, in accordance with the authentic sunnah. Ash-Shafi'i said: "I prefer that the soil used for a grave be no more than that dug for that grave. I like to see a grave raised above the ground the length of a hand or so. I prefer not to erect a structure over a grave or to whitewash it, for indeed this resembles decoration and vanity, and death is not the time for either of these things. I have never seen the graves of the Muhajirin or Ansar plastered. I have seen the Muslim authorities destroying structures in graveyards, and I have not seen any jurists object to this."

Ash-Shawkani said: "It is apparent that raising graves more than what is legally permitted is forbidden. The followers of Ahmad, a group of the followers of Ash-Shafi'i, and Malik are of this opinion. An opinion that raised graves are not prohibited because this practice occurred during the time of the first and later generations without disapproval, which is the position of Imam Yahya and Mahdi in al-Ghayth, is not correct. This argument is based only on their silence about the practice, and silence is not proof when a matter rests on mere assumption, for prohibition of raising graves is presumptive."

Included in the discussion of raising the grave are dome buildings, shrines built on graves, and erecting mosques around graves.The Prophet, peace be upon him, cursed those who did that. The practice of erecting buildings around graves and beautifying them causes corruption, which Islam seeks to eliminate.

Part of such a corruption is exaggerating the importance of graves, in accordance with the superstitious belief of the ignorant, similar to the belief of non-believers in their idols, that these monuments can bring benefit or prevent harm. Thus they travel to these graves for fulfillment of their needs or achievement of their goals. They ask those in the graves what believers should ask only of their Lord. They ride horses to them, touch them, and seek their aid. In general, they do exactly what the pre-Islamic people used to do with their idols.

Despite this disgraceful, reprehensible evil and hideous disbelief, how many people dare to take a stand for the cause of Allah, or evince any uneasiness for the defense of the true din? Where are the scholars and students, and the rulers, the ministers, and the kings, who are obliged to teach the truth? Various reports reaching us leave little doubt that many of these grave adorers, in fact most of them, when confronted and asked under oath to reject such idolatry would readily take a solemn oath falsely by Allah. But if you then ask them, "(Swear) by your spiritual leader and your saint, so-and-so," they will ponder, apologize, refuse, and confess the truth. This is one of the clearest proofs that their polytheism is indeed worse than that of the Christians and others who say: "Allah, the Exalted, is the second of two or the third of three."

O scholars of Islam! O kings of Islam! What calamity to Islam is worse than disbelief? What tribulation for this religion is worse than worshipping others than Allah? What misfortune for Muslims can equal this misfortune? Is there any more serious abomination than this open polytheism?

You might be heard if you called the living, But there is no life in him whom you call; Had there been a fire in which you blew, there would have been light; but you blew in the sand.

The scholars have issued clear legal verdicts concerning the destruction of mosques and domes built in cemeteries. Ibn Hajar said in his az-Zawajir: (This is a collection of legal verdicts, pubhshed when king Al-Zahir decided to destroy all the buildings in the graveyards. Coeval Islamic scholars collectively supported him saying to do so was incumbent upon the ruler.) "We should not hesitate to destroy mosques and domes built over graves. These are worse than the mosque of adDirar, because these things are erected in disobedience to the Messenger of Allah, peace be upon him. The Prophet, peace be upon him, has forbidden this and has ordered the destruction of raised graves. Every lamp or lantern placed over a grave must be removed. It is not correct to stop at a grave or make a vow at it.

## Fiqh 4.68: Making Humps over Graves and Flattening Them

Jurists agree that it is permissible either to make a little hump over the grave or to flatten it. At-Tabari said: "I dislike it for a grave to be prepared in any way other than these two: it should be either leveled with the ground or raised with a hump over it, but no higher than one hand, as is the common practice among Muslims. Leveling the grave differs from flattening it completely. Jurists differ concerning which of these two methods is best. Al-Qadi 'Iyad has reported from the major scholars that it is best to make a hump over the grave because Sufyan an-Nammar told him that he had seen the grave of the Prophet, peace be upon him, with a hump over it." (Bukhari) This is the opinion of Abu Hanifah, Malik, Ahmad, al-Mazani, and many scholars of the Shafi'i school. Ash-Shafi'i's opinion, however, is that because of the order of the Prophet, peace be upon him, leveling is best.

## Fiqh 4.68 a: Placing a Distinguishing Mark on a Grave

It is permissible to place a mark, such as a stone or a piece of wood, over a grave so that it can be recognized. This is based on a hadith reported by Ibn Majah from Anas that the Prophet, peace be upon him, "placed a rock over 'Uthman ibn Maz'eun's grave so that it could be recognized." In az-Zawa'id it is stated that its chain of narrators is sound. Abu Daw'ud reported it in the hadith of al-Muttalib ibn Abi Wada'ah which has the following words: "He carried a rock and placed it by the headside of the grave and said, 'I want to mark my brother's grave and then bury beside it whoever else of my family dies.'" This hadith indicates that it is preferable for relatives of the deceased to be buried in adjacent spots because it makes it easier for those who visit their graves to pray for them.

## Fiqh 4.68 b: Taking Off Shoes in Cemeteries

Most scholars are of the opinion that it is permissible to wear shoes in a cemetery. Jarir ibn Hazim said: "I saw al-Hasan and Ibn Sirin walking with their shoes on in a cemetery." Anas reported: "The Prophet, peace be upon him, said: 'When a servant of Allah is put into a grave and his companions leave, he can hear the sound of their sandals'." (Reported by Bukhari, Muslim. Abu Daw'ud, and Nasa'i) The scholars deduce from this hadith that it is permissible to walk in a cemetery with one's shoes on since the only way the dead would hear the sound of their sandals is when they were wearing them.

Ahmad disliked, however, wearing dyed shoes (Sibtiyah (Arabic), a type of shoes dyed with pods of a species of sant tree) in graveyards. This is based on a report by Abu Daw'ud, Nasa'i, and Ibn Majah from Bushair, the freed slave of the Prophet, peace be upon him, who said: "Once the Prophet, peace be upon him, noticed a man wearing shoes while walking in the cemetery. He said to him: 'O you who are wearing the sihtiyyah (shoes). Woe to you. Take off your sibtivyah shoes.' When the man recognized the Messenger of Allah, peace be upon him, he took them off and threw them away."

Al-Khattabi said: "The order of the Prophet, peace be upon him, may indicate that he disliked this because of the people involved in them. The sibtiyvah shoes were wom by privileged people given to luxury. The Prophet, peace be upon him, liked those visiting the graveyards to be humble and unpretentious. Ahmad holds that wearing shoes is disliked only when done without any valid excuse. If there is a genuine reason for wearing shoes, such as, thoms or impurities, then one may keep one's shoes on.

## Fiqh 4.69: The Prohibition against Covering Graves

Covering graves or tombs is not permissible, because this involves unnecessary expense for an invalid cause, and may mislead the common man. 'Aishah reported: "The Prophet, peace be Up('ll him, left on a raid. I covered the door with a piece of cloth. The Prophet, peace be upon him, noticed the cloth when he retumed. He pulled at it until he tore it. Then he said: 'Allah did not order us to cover stones and clay'." (Reported by Bukhari and Muslim)

## Fiqh 4.69 a: Building Mosques or Placing Lights on Graves

There are many sound and clear hadith conceming the unlawfulness of building mosques over graves or putting lights on them. Abu Hurairah reported: "The Prophet, peace be upon him, said: 'May Allah destroy the Jews, because they used the graves of their prophets as places of worship." (Bukhari and Muslim)

Ibn 'Abbas reported: "The Messenger of Allah, peace be upon him, cursed the women who visit graves and those who build mosques and place lights on them." (Reported by Ahmad and other compilers of the Sunan except Ibn Majah. Tirmizhi considers it a sound hadith) Abdullah Al-Bujali said: "I heard Allah's Messenger, peace be upon him, five nights before his death, saying: 'I declare myself innocent before Allah of having an intimate friend from among you. Indeed, Allah, the Mighty and the Majestic, has taken me as an intimate friend just as he took Ibrahim as His intimate friend. Had I to take an intimate friend from among you, I would have taken Abu Bakr as my intimate friend. Before you there

was a group who tumed the graves of their prophets and their righteous ones into mosques. Do not tum graves into mosques. I forbid you to do that'." (Muslim)

Abu Hurairah narrated: "The Prophet, peace be upon him, said: 'May Allah curse Jews and Christians for they turned the graves of their Prophets into places of worship'." (Muslim Bukhari and Muslim)

'Aishah reported: "Umm Habibah and Umm Salamah mentioned to Allah's Messenger, peace be upon him, a church in which they saw drawings while in Abyssinia, whereupon he said: 'Those people used to build a place of worship over the grave of a righteous man among them when he died and make such drawings in it.These will be the worst of people in the sight of Allah on the Day of Resurrection." (Bukhari and Muslim)

The author of Al-Mughni said: "It is not permissible to build mosques around graves because of the statement of the Prophet, peace be upon him, 'May Allah curse the women who visit graves and those who build mosques and place lights over them.'" (Reported by Abu Daw'ud and Nasa'i)

If it were permissible, the Prophet, peace be upon him, would not have cursed those who did it. Moreover, this practice wastes money and encourages adoration of graves similar in spirit to the adoration of idols. Because of this report it is not pemmissible to build mosques over graves. Besides, the Prophet, peace be upon him, said, "May Allah curse the Jews who tumed the graves of their prophets into places of worship," in order to wam others against pursuing a similar course. (Muslim and Bukhari)

'Aishah said: "The only reason the grave of Allah's Messenger, peace be upon him, was not made prominent was to stop people from tuming it into a mosque." Designating certain graves as places of prayers is similar to adoring idols and seeking their pleasure. The worship of idols started with the adoration of the dead, making images of them, touching them, and offering prayers at their graves. (The commentator on this said: "It points to what Bukhari narrated from Ibn Abbas conceming the reason why the people of Noah worshipped idols. They were known as Wadd, Sawa', Yaghuth, Ya'uq, and Nasr. These were pious people of whom they made images in order to remember them after their death and imitate them. Due to the lack of knowledge that became prevalent among the people, Satan made it appear beautiful to worship their images and likenesses, and to honor them, wipe over them, and approach them. Wiping them is passing one's hand over them to invoke their blessing and intercession. The same was done to the graves of nghteous people. This practice was initiated by idolaters, and then passed on to Jews and Christians and then to Muslims. Such objects are equivalent to idols.")

## Fiqh 4.70: Slaughtering Animals on the Graves

The Prophet, peace be upon him, forbade the slaughtering of animals at graves, which was practiced in the Days of Ignorance out of arrogance and self conceit in order to flaunt one's wealth. Anas reported: "The Prophet, peace be upon him, said: 'There is no slaughtering (of animals on graves) in Islam." (Abu Daw'ud) Abdul Razzaq said: "They used to slaughter a cow or a sheep by the grave."

Al-Khattabi said: "During the Days of Ignorance the people used to slaughter camels by the graves of generous people. They used to say: 'We would like him to be rewarded for his deeds. He used to slaughter them when he was alive and feed them to his guests. We slaughter these camels at his grave to feed the lions and birds, so that he may continue feeding others even after his death as he used to do while he was alive'." A poet said: I slaughtered my she-camel at the grave of my king, with a bright sharp sword, meticulously cleaned by polishers, on the grave of someone, who, had I died before him, would have willingly slaughtered his mounts by my grave.

They believed in resurrection after death. Some people believed that if a camel was slaughtered by the grave of a person, he would be restored to life mounted on it on the Day of Resurrection, whereas otherwise at his resurrection, having no mount, he would have to walk on foot.

## Fiqh 4.71: Prohibition of Sitting, Leaning, and Walking on Graves

It is not permissible to sit on a grave, or lean on it, or walk over it. This is based on a hadith reported by 'Amr bin Hazm who said: "The Prophet, peace be upon him, saw me leaning on a grave, so he said: 'Do not harm the dweller in this grave or do not harm him.'" (Reported by Ahmad, who considers its chain of narrators as sound) Abu Hurairah reported: "The Prophet, peace be upon him, said: 'It is better for you to sit on a glowing coal that burns through your clothes to your skin than to sit on a grave.'' (Reported by Ahmad, Muslim, Abu Daw'ud, Nasa'i, and Ibn Majah) In the opinion of Ibn Hazm this statement amounts to an outright prohibition because of the warning contained in it. He said this is the opinion of a group of the early Muslims of whom Abu Hurairah is one.

The majority of scholars hold that such an act is merely disapproved. An-Nawawi said: "Ash-Shafi'i (See Al-Shafi'i's work Al-Umm) and the companions mentioned in various narrations disapprove of sitting on a grave, holding it to be makruh tahrimi, (Makruh is divided into makruh tahrimi "that which is nearly unlawful without it being actually so," and makruh tanzihi "that which approaches the lawful.") a term well-known to jurists.The majority of scholars including An-Nakha'i, Al-Laith, Ahmad, and Daw 'ud hold this view.They also disapprove of reclining or leaning on a grave."

Ibn 'Umar, Abu Hanifah, and Malik are of the opinion that it is permissible to sit on a grave. Malik said: "We think that prohibition of sitting and leaning on graves means prohibition of using them to answer the call of nature.'' (Al-Muwatta) He cited a weak hadith in this regard. Ahmad considers the interpretation of Malik weak and said: "This is not an argument." An-Nawawi said that this interpretation is weak or false. Likewise, Ibn Hazm regards it invalid for a number of reasons. This difference of opinion concerns sitting on graves. However, there is agreement among the jurists, however, that sitting on the graves to answer the call of nature is unlawful. The jurists also agree on the permissibility of walking over graves if necessary, when for instance, there is no other way of reaching the grave of one's dear one.

## Fiqh 4.72: Prohibition of Whitewashing or Writing on a Grave

Jabir reported: "The Prophet, peace be upon him, forbade the whitewashing of a grave, sitting on it, or erecting any structure on it." (Reported by Ahmad, Muslim, Nasa'i, Abu Daw'ud, and Tirmizhi who said that it is a sound hadith) Tirmizhi reported this hadith with this wording: "The Prophet, peace be upon him, forbade the whitewashing of graves, writing on them, building on them, or stepping on them." Nasa'i, reported it in these words: "The Prophet, peace be upon, forbade building over a grave, adding anything to it, white washing it, or writing on it."

The majority of scholars interpret this prohibition as an expression of disapproval, while Ibn Hazm takes it to mean that the act is unlawful. The wisdom behind it is that a grave is not made to last forever, but is sure to disintegrate with the passage of time. whitewashing graves is decorating them with the beauty of this world for which the dead have no need. Others think that its wisdom lies in the fact that whitewashing is done by burning gypsum (brimstone): This view is supported by a narration of Zaid bin Arqam who said to a person who wanted to build something over his son ' s grave and whitewash it: "You are wrong and have done a useless thing. Nothing touched by fire should be brought near the grave." There is nothing wrong, however, in daubing it with clay. Tirmizhi said: "Some scholars, including Al-Hasan alBasri, hold it permissible to coat the graves with clay." Ash-Shafi'i is also of the same view and sees no harm in giving the graves a coating of clay.

Ja'far bin Muhammad reported from his father: "The grave of the Prophet, peace be upon him, was raised one hand from the ground and was coated with red clay and some gravel." This was narrated by Abu Bakr An-Najjad, but AlHafiz did not comment on this in his ai-Talkhis.

The scholars also disapprove of building graves with bricks or wood or burying the dead with a coffin unless the burial ground was wet or soft. If it is wet or soft, then it is permissible to use bricks and the like and to place the body in a coffin. It is reported from Mughirah that Ibrahim said: "The scholars preferred bricks of clay and straw, but disliked clay bricks; they preferred bamboo and disliked wood."

Concerning the hadith prohibiting writing on graves, it apparently includes writing the name of the deceased or any other thing on the grave. AlHakim commented on this hadith and said: "Though its chain of narrators is sound, in practice, however, it was not followed." Many Muslims from the East and the West do write on the graves. This is a practice that was passed on from one generation to the next. Azh-Zhahabi said: "This hadith is an innovated one, and no prohibition is genuinely reported."

The Hanbali school holds that inscription on graves is prohibited, whether it is a portion of the Qur'an or the name of the deceased." The Shafi'i school agrees with this ruling, but they also hold: "If the grave is of a scholar or a righteous man, it is preferable to write his name on it to make it known."

The Maliki school holds that writing any portion of the Qur'an is not permissible, but writing the name and date of death of the deceased is disliked (makruh) .

The Hanafi school disapproves of writing anything on the grave and considers it unlawful, except when it is feared that any trace of the grave might disappear. Ibn Hazm said: "It is not disapproved if the name of the deceased was engraved on a rock."

It is forbidden in a hadith "to add more soil than what was taken out when digging the grave." Al-Baihaqi has dealt with this under a separate chapter entitled, "No adding of soil to the grave in excess of what is taken therefrom."

Ash-Shawkani said that: "Adding apparently here means adding more soil than what was taken out while digging the grave." Some interpreted the addition to a grave as making a grave over another one. Ash-Shafi'i preferred, however, the first interpretation, saying that it was preferable not to add more soil than what was taken out while digging the grave which is preferred lest the grave be raised high. So long as the additional soil does not raise the grave higher than the ground, there is nothing wrong with it.

## Fiqh 4.73: Burying More than One Body in One Grave

From the example of early generations, we learn that one body is to be buried in a grave. It is disliked if more than one body is buried in a grave, unless there is a large number of corpses, and there is a scarcity of graves, and it is impossible to bury them separately. In such a case, it is permissible to bury more than one body in a grave. This is based on a hadith reported by Ahmad and Tirmizhi, who said, "The Ansar came to the Prophet, peace be upon him, on the day of the Battle of Uhud, saying: 'O Allah's Messenger! We are afflicted with physical injury and we are tired, what do you command us to do?' The Prophet, peace be upon him, said: 'Dig it, enlarge it, and deepen it, then place two or three men in one grave.' They asked: 'Whom should we put in first?' He said: 'The one who knows the most Qur'an'." Tirmizhi stated that it is a sound hadith. 'Abd-ur Razzaq reported from Wathilah ibn al-Asqa' with a sound chain of narrators that, "a man and a woman were buried together in the same grave. The man would be placed first, and then the woman behind him."

## Fiqh 4.74: Burial at Sea

The author of al-Mughni said: "If a person died while in a ship on the sea, then, according to Ahmad, they should wait a day or two to find a place to bury him, unless they are afraid that the corpse would decay. If they cannot find a place (on land) to bury him, then the deceased should be washed, shrouded, a funeral prayer offered for him, then tied with a heavy weight, it be thrown into the water." This is the opinion of 'Ata and Al-Hasan. Al-Hasan said, "He is to be put in a basket and then thrown into the sea." Ash-Shafi'i said: "The body should be placed on two boards and let into the sea so that the boards might take it ashore, where some people might find it and bury it. But if one throws it into the sea, one would not be committing any sin."

The latter, i.e. burial at sea, is preferable, because it serves the purpose of covering the body which is comparable to burying him. Tying it between two boards is apt to expose it and cause it to be disfigured and mutilated. It might be thrown on the shore, mutilated and naked, or it might fall into the hands of

pagans. That is why we believe the second course mentioned above is to be preferred.

### Fiqh 4.74 a: Placing Branches of Palm on a Grave

It is not lawful to put a branch of a palm or flowers on a grave. The contrary is suggested by the following hadith reported by Bukhari and others from Ibn 'Abbas: "The Prophet, peace be upon him, passed by two graves and said, 'Those two are being punished for a minor matter. The first did not clean himself carefully after urinating. The second one used to spread lies.' Then the Prophet, peace be upon him, asked for a fresh branch of a palm tree, broke it into two parts, and then placed a part on each of them, saying, 'I hope that this will reduce their punishment for as long as the branch remains fresh.' Al-Khattabi is of the opinion, however, that "This placing of a branch of a palm on the graves, while saying, "I hope that this will reduce their punishment for as long as it remains fresh," is a blessed effect of the Prophet, peace be upon him, and of his supplication to Allah to lighten their punishment."According to Al-Khattabi, "He hoped, as it were, that the two would be relieved of their punishment so long as the palm branch remained fresh. This, however, does not have anything to do with the freshness or dryness of the palm branch or its role in lightening the punishment as such. Though the masses in many of the Muslim countries place branches of palm over the graves of their relatives, this practice has no basis or merit in the light of Islamic teachings."

Al-Khattabi's opinion as reported above is correct. The Companions of the Prophet, may Allah be pleased with them, were familiar with this and practiced it. Bukhari reported that, "There is no evidence to show that anyone of them ever put a branch of a palm or a bunch of flowers on graves, except on the grave of Buraidah al-Asalmi, who had instructed his heirs in his will that two branches of palm be placed on his grave.'' (Bukhari) The idea that such a practice was lawful, and yet was unknown to all the Companions, except Buraidah, is not plausible. Al-Hafiz said in Al-Fath: "Apparently Buraidah took the hadith in its general import and did not regard it as specifically related to those two men." Ibn Rashid said: "It is apparent from Bukhari's commentary that it was specifically done by the Prophet, peace be upon him, for those two men. He also quoted a statement of Tbn 'Umar, who, when he noticed a tent was set up over 'Abd ur Rahman's grave, said: 'Take it away; the only thing that can shade him is his deeds'." Ibn Umar's statement shows that he realized that placing anything over a grave does not benefit the deceased, except his own good deeds.

### Fiqh 4.75: A Woman who Dies While Pregnant with a Living Fetus

If a pregnant woman dies and the trustworthy physicians are sure that the fetus is alive, then it must be taken out of her womb by a caesarian operation.

### Fiqh 4.75 a: A non-Muslim Woman who Dies while Carrying a Child by a Muslim is to be Buried in a Separate Grave

Al-Baihaqi reported from Wathilah bin al-Asqa' that he buried a Christian woman bearing the child of a Muslim in a cemetery that belonged to neither Muslims nor Christians. Ahmad supports this opinion because he says that the woman being a disbeliever, cannot be buried in a cemetery of Muslims, for they would suffer because of her punishment, nor can she be buried in a Christian cemetery because her fetus, which is a Muslim, would suffer by their punishment.

### Fiqh 4.75 b: The Preference of being Buried in Cemeteries

Ibn Qudamah said: "A burial in a cemetery is better for a servant of Allah than being buried in home, for this is less harmful to survivors in his family, is more like the dwellings of the hereafter, and is more suitable a place for making supplications for forgiveness and mercy for the dead. The Companions, their Successors, and those after them buried their dead in the deserts in cemeteries.

Some people may ask: "Why then were the Prophet, peace be upon him, and his two Companions buried in his home?" In answer to this we would refer to the statement of 'Aishah in which she said: "This was done lest the grave of the Prophet be turned into a mosque.'' (Bukhari) The Prophet, peace

be upon him, buried his Companions in the cemetery of "al-Baqi' in Madinah and surely his action is more preferable than someone else's action. The Companions of the Prophet regarded his burial arrangements as a special case for him because, as reported in a tradition "the Prophets are buried at the place they die," and because burying him at his home distinguished his grave from those of others, and protected it from being exposed to great numbers of people, he was buried at home.

When asked about a man who had instructed in his will that he be buried in his house, Ahmad said: "He should be buried with Muslims in their cemetery."

## Fiqh 4.76: The Prohibition Against Talking Ill of the Dead

It is not permissible to talk ill of the deceased Muslims or to mention their evil deeds. This is based on Bukhari's report from 'Aishah that the Prophet, peace be upon him, said: "Do not speak ill of the dead; they have seen the result of (the deeds) that they forwarded before them." Abu Daw'ud and Tirmizhi have transmitted, but with a weak chain of narrators, from Ibn ' Umar a similar hadith that the Prophet, peace be upon him, said, "Mention the good deeds of your dead and cover their evil deeds." As for those Muslims who openly do evil or indulge in illicit innovation, it is permissible to mention their evil deeds if some public good so requires and and as a warning to others in order to discourage anyone who might otherwise follow their bad example. If no such benefit is to be gained, then it is not permissible to mention anything evil about the deceased. Bukhari and Muslim reported that Anas said: "A funeral procession passed by and the people praised the deceased. The Prophet, peace be upon him, exclaimed, 'It is decided.' Then another funeral procession passed by and the people said some bad things about the deceased. The Prophet, peace be upon him, remarked, 'It is decided.' 'Umar asked: 'What is decided?' The Prophet, peace be upon him, answered, 'The one whom you praised is entitled to Paradise, and the one whom you described as bad is entitled to the Hell Fire. You are Allah's witnesses on earth'."

Cursing the dead disbelievers is permissible, because Allah, the Exalted, says: "Curses by the tongue of David and of Jesus, the son of Mary, were pronounced on those among the Children of Israel who rejected faith.'' Qur'an 5.78 Similarly we read in the Qur'an: "Perish the hands of the Father of Flame!'' Qur'an 111.1 Pharaoh and others like him have also been cursed in the Qur'an, besides the great curse of Allah about which we read: "Behold! the curse of Allah is on those who do wrong. Qur'an 11.18

## Fiqh 4.76 a: Reciting the Qur'an by the Graveside

The jurists differ concerning the legality of reciting the Qur'an by the graveside. Ash-Shafi'i and Muhammad bin Al-Hasan consider it desirable, because by it, the deceased might be blessed. Al-Qadi 'Iyad and scholars of the Maliki school agree with them on this point. Ahmad holds that there is nothing wrong in reciting the Qur'an at a grave, whereas Malik and Abu Hanifah view this as not desirable because the sunnah does not mention this practice.

## Fiqh 4.77: Building New Graves over Old Graves

Muslim scholars agree that a place where a Muslim is buried should not be disturbed if flesh, bones, or other parts of the body remain there. If any of his other remains are found it is not permissible to disturb them. But if the entire corpse has disintegrated into dust, then a new grave may be dug there. Also, in such a case it is permissible to use the land for planting, cultivation, building, and for other beneficial purposes. If the remains of a body, such as bones, are found during the digging, then the digging should be stopped. And if the remains are found after the digging is finished, then it is quite permissible to place these to one side in the grave and bury another body beside them.

If the deceased person was buried before a funeral prayer was offered for him or her and the person had not yet been covered with soil, then the remains should be removed and the funeral prayer should be offered before reburial. But if the deceased was buried completely without a funeral prayer, it is unlawful, according to the Hanafi and the Shafi'i schools, to dig up the grave. This is also the opinion of Ahmad, according to one narration from him. In such a case, a funeral prayer should be offered for the deceased without disturbing the grave. Yet another report from Ahmad says that in such a case the

grave should be dug up, the body exhumed, and a funeral prayer offered for the deceased person.

The leaders of the three schools hold it permissible to dig up a grave for a valid reason, e.g., to remove some money left in the grave, to turn the face of a body toward the Kaibah if buried otherwise, to wash a body that was buried without a proper purification, and to improve the shroud. This is not done, however, in cases when it is feared that by doing so the corpse will disintegrate.

The Hanafi school disagrees and considers it not permissible to dig up a grave for any of the above reasons. They consider such digging of a grave as a sort of dismembering of the body, which is not permissible in any case. Ibn Qudamah countered this position by explaining: "It would be considered dismemberment (muthlah) only in the case of those whose bodies have rotten away. In such a case, a grave should not be dug up. If the deceased was buried without a shroud, then there are two alternatives. First, he should be left alone since the object of having a shroud is to cover the body. and that is achieved by covering it with soil. Second, the grave should be dug up and the body shrouded, because shrouding is obligatory and is as important as washing the body."

Ahmad said: "If the grave digger forgot and left his tools inside the grave, he may dig them up." The same applies if someone dropped an axe, some money, or something of value. He was asked: "What if the deceased's family offered the owner of the objects compensation for his lost valuables?"He said: "If they give him his rightful due, then he may not dig."

Bukhari has reported a relevant hadith concerning this from Jabir, who said: "The Prophet, peace be upon him, came to Abdallah ibn Ubayy after he was lowered in his grave. He commanded his companions to take him out. Then he put him on his knees, blew his saliva over him, then put a shirt on him." He has also reported: "A man was buried with my father. I did not feel good until I removed him and buried him in a separate grave.'' (The body was taken out six months after his father's death)

Bukhari has given these two hadith in a separate chapter, entitled: "Can a deceased be taken out of the grave for any reason?" Abu Daw'ud reported from Abdallah ibn ' Amr who said, "While we were going to al-Taif and passing by a grave, I heard the Prophet, peace be upon him, saying: 'This is Abu Raghal's grave. ' He used to treat the Prophet insolently in the sacred precincts (of the Sacred Mosque). The Prophet, peace be upon him, added, 'When he left, a retribution overtook Abu Raghal, as it did his people at this place, so he was buried here. And the proof of this is that he was buried with a piece of gold. So if you dig up his grave, you will get it.' The People rushed to the grave, dug it up, found, and removed the gold piece."

Al-Khattabi said: "This shows that it is permissible to dig up the graves of polytheists if there is some good or benefit for Muslims in doing so. Indeed, in such a situation their case is not similar to that of deceased Muslims."

## Fiqh 4.78: Transfering the Body from One Place to Another

The Ash-Shafi'i school considers it unlawful to transfer the body of a deceased from one country or town to another unless it is to Makkah, Madinah or Jerusalem. It is permissible to remove the body to one of these cities because of their special significance and position.If someone leaves instructions in his or her will that he or she be buried in a place other than these three cities, the will may not be executed, because it could delay the burial and cause the body to deteriorate. Likewise transferring the body from one grave to another is prohibited unless there is a valid reason for doing so, for example, if the deceased was buried without a proper wash, or was buried without tuming the deceased's face toward the qiblah, or the grave was damaged by flood or dampness.

It is stated in Al-Minhaj that digging up a grave after burial either for removing the body or for any other reason is prohibited unless there is genuine reason for it. such as when a deceased person is buried without a wash or is buried in a usurped cloth or land or something of value is left in the grave or the deceased was buried without facing the qiblah.

The Maliki school holds it permissible to remove the body from one place to another, before or after the burial, for a genuine reason, for example, when it is feared that the body of a deceased may be drowned in the sea or eaten up by wild animals, or when relatives want to bury the deceased nearby so that they may visit it more easily, or in order to seek the blessings of the place to which the body is removed. In all such cases, transferring of the body from one place to another is permissible provided its sanctity is not affected, e.g., it does not bloat, does not decompose or its bones do not break.

The Hanafi school considers the removal of a body from one place to another undesirable, and holds it preferable to bury a person at the place of death. The body may be taken for a mile or two for burial, for that is the usual distance to a cemetery. After the burial removing the body without a genuine reason is not permissible as mentioned above. If a woman's son dies and he is buried in her absence in another town, and she was impatient and wanted to remove his body to her own town, her request may not be heeded.

The Hanbali school considers it desirable to bury a martyr at the place where he or she is killed. Ahmad said, "As to those who are slain, a hadith reported by Jabir from the Prophet, peace be upon him, says: 'Bury the martyrs wherever they are killed'." Ibn Majah reported: "The Prophet, peace be upon him, ordered that the martyrs of the Battle of Uhud be returned and buried at the places where they had fallen." As for the others, they are not to be removed from one town to another without a valid cause. This is the opinion of AlAwza'i and Ibn al-Munzhir. Abdallah ibn Malikah said: "Abd-ur Rahman ibn Abu Bakr died in Abyssinia and his body was carried to Makkah where he was buried. When 'Aishah visited his grave she said: 'By Allah! Had I been there when you died, I would not have allowed you to be buried anywhere except at the place where you had died. And had I seen you there, I would not have visited you'." Burying the deceased at the place of death is easier and more secure against deterioration of the physical remains. It is permissible, however, to remove the body from one place to another in case there is a valid reason.

Ahmad said: "I do not know of any harm in transferring the deceased from one town to another." When Az-Zuhri was asked about that, he said, "The bodies of Sa'd ibn Abi Waqqas and Sa'id ibn Zaid were removed from al-'Aqiq to Madinah."

## Fiqh 4.80: Condolences

Offering one's condolences to someone means sharing in his grief and encouraging him to be patient. It means enjoining patience to comfort the distressed person and to lighten his or her grief and misfortune.

## Fiqh 4.80 a: Their Legality,Condolences

Condolences are desirable, even if the deceased was a non-Muslim. Ibn Majah and Al-Baihaqi reported from 'Amr ibn Hazm that the Prophet, peace be upon him, said: "Every believer who consoles his brother in distress, will be dressed by Allah in an apparel of honor on the Day of Resurrection." It is recommended, however, that the condolences be offered only once.

The condolences should be offered to the entire family of the deceased, that is, to all the relatives, old and young, men and women. (The scholars exclude from this list beautiful young women. Only their mahram relatives may offer condolences to them) One may offer condolences either before or after the burial up to three days after death. If the person either offering or receiving condolences was not present at the time of death, condolences may be offered even at a later period.

## Fiqh 4.80 b: The Wording of Condolence

Condolences may be offered in any words so long as they lighten the distress, induce patience, and bring solace to the bereaved. It is preferable, however, to use the wording as transmitted in hadith.

Usamah ibn Zaid reported, "A daughter of the Prophet, peace be upon him, sent him a message to

come to her house, because a son of hers had died. In response he sent her a message with his regards saying: 'Verily, to Allah belongs what He has taken, and to Him belongs what He has given. For everything He has set a term. So be patient and be content'.'' (Bukhari. In Comment An-Nawawi said: "This is a very comprehensive hadith. It contains a number of essential principles of Islam. It encourages one to be patient in the face of catastrophe and hard times. The meaning of 'what Allah takes' is that everything belongs to Allah. Therefore what he takes also belongs to Him and not to others. He takes what He owns. Whatever we have is on trust. Thus, we should be patient and content with whatever befalls us.")

At-Tabarani, Al-Hakim, and Ibn Mardawayh reported - with a chain that has an unreliable narrator - from Mu'azh ibn Jabal that when a son of his slied, Mu'azh received a letter from the Prophet, peace be upon him, offering him condolences. The Prophet wrote to him: "In the name of Allah, the most Beneficent, the Most Merciful. From Muhammad, the Messenger of Allah, to Mu'azh bin Jabal. Peace be upon you. I praise Allah, there is no god but He. May Allah increase your reward, grant you patience, and give us and you the power to offer our thanks, for verily, our lives, our wealth, and our families are gifts of Allah entrusted to us only for awhile. May Allah grant you joy and bless you with a large reward, mercy, and guidance. If you are content with Him, you should be patient. Do not let your grief destroy your reward, so that you may regret it later on. Remember grieving over the deceased will not restore him to life, nor remove grief. Whatever is destined to happen, it is as if it has already occurred. Peace be on you'.'' (This hadith is weak. Mu'azh's son reportedly died two years after the death of the Prophet, peace be upon him)

Ash-Shafi'i has reported the following in his Musnad from Ja'far ibn Muhammad, who reported from his father and from his grandfather, both of whom said: "When the Prophet, peace be upon him, died and condolences were offered, they heard someone saying. 'In Allah is the best consolation against every catastrophe, a substitute for every loss, and a replacement for anything that is missed. Trust Allah, seek His aid, and be hopeful of His mercy. The one really afflicted is the one who is deprived of the reward for his misfortune." The chain of narrators of this hadith is weak. Muslim scholars say that if a Muslim offers condolences to another Muslim he should say: "May Allah increase your reward, give you the best consolation, and forgive your deceased beloved." And if one gives condolences to a Muslim for a disbelieving relative, one should say: "May Allah increase your reward, and grant you the best of consolation."

If one gives condolences to a disbeliever for a Muslim relative, one should say: "May Allah give you the best of condolences and grant forgiveness to your deceased beloved."

If both the deceased and the one to whom condolences are given are disbelievers, then one should say: "May Allah grant you a substitute." As for the response to condolences, the receiver should respond, "Amin" and "May Allah reward you."

According to Ahmad, one may or may not shake hands with the bereaved when offering condolences. If one sees a person who has torn his or her clothes because of a misfortune, one should comfort the person, and should not refuse to do what is good because of his or her vain act, but it is good if one bids such a person to refrain from doing so.

## Fiqh 4.82: Sitting for Condolences

The sunnah concerning this is that one should offer condolences to the bereaved family and leave. Neither the consoler nor the consoled should sit down. This is the lesson we learn from the example of our righteous predecessors. Ash-Shafi'i in his Al-Umm said, "I dislike gathering in groups together to give condolences even if those gathered do not cry. Such a gathering revives sorrow and adds to the grief and burden of the bereaved family. An-Nawawi said, "Ash-Shafi'i and his companions disliked sitting for condolences, whereby members of the family stay in their homes to receive anyone coming to give their condolences. Instead, they should go about their usual tasks and needs. This applies both to men and women. Al-Muhamili states this explicitly and transmits it in reference to a text from Ash-Shafi'i. This is makruh tanzihi (Makruh tanzihl signifies something which is undesirable yet is closer to the lawful) unless it is coupled with some other innovation. If it is accompanied with another forbidden

innovation (bid'ah), as is generally the case, then it is regarded as one of the strongly forbidden acts. All such acts are an innovation, and as a sound hadith says, "All novel acts are an innovation and every innovation is error."

Ahmad and many other Hanafi scholars also hold this opinion. Early Hanafi scholars, however, held the view that there is nothing wrong in holding a gathering at places other than mosques for three days of condolence, so long as one does nothing prohibited. The practices of some people nowadays, such as gathering for condolences, setting up tents, spreading carpets, and incurring a lot of expenses out of arrogance and show off are all despicable innovations that are forbidden and must be avoided, especially when most of these acts are contradictory to the teachings of the Qur'an and sunnah and are vestiges of pre-Islamic customs of jahiliyyah. Some of these innovations are reciting the Qur'an in a melodic fashion and disregarding the rules of proper recitation, or not keeping silent when listening to the Qur' an or indulging in smoking or such other activities. And this is not all. Some of these slaves of their desires indulge in extreme innovation. They are not satisfied with the days originally prescribed by Islam, but designate Wednesday as the day to renew these abominations and to indulge in these innovations. They celebrate the anniversary of death on the first day and observe remembrance on the second day, and do other such other things without any justification by either text or reason.

## Fiqh 4.83: Visiting Graves

Visiting graves is desirable for men. 'Abdallah ibn Buraidah reported from his father that the Prophet, peace be upon him, said: "I had forbidden you to visit graves, but now you may visit them. It will remind you of the Hereafter." (Muslim, Ahmad, and the Sunan works) They were prohibited from visitlng the graves because of their proximity to the jahiliyyah (Days of Ignorance) when they used incorrect and obscene language. After they had fully entered the fold of Islam, became well pleased with it, and had fully accepted its laws, the Prophet, peace be upon him, permitted them to visit graves.

Abu Hurairah reported: "The Prophet, peace be upon him, visited his mother' s grave and cried, and everyone there cried with him. Then the Prophet, peace be upon him, said: 'I sought my Lord's permission to seek forgiveness for her, but He did not permit me. I then sought permission to visit her grave and He permitted me to do this. You should visit graves, because they will remind you of the reality of death.'' (Muslim, Ahmad, and the Sunan, except Tirmizhi)

Since the purpose of visiting graves is admonition and remembrance of death, it is permissible to visit the graves of disbelievers. Weeping when passing by the graves of the wrongdoers who were seized and punished by Allah for their evil deeds, and to express one's humility and one's need for forgiveness of Allah is desirable.This is obvious from a hadith, reported by Bukhari on the authority of Ibn 'Umar, that the Prophet, peace be upon him, said to his Companions, when they passed through Al-Hijr, the dwellings of the people of Thamud, "Do not go without weeping to the places of burial of those who are undergoing torment. But if you cannot weep, then do not enter these places lest what befell them should befall you."

## Fiqh 4.83 a: Etiquette of Visiting Graves

Whoever pays a visit to a grave should face the deceased, greet him, and supplicate for him. On this subject we find the following: Buraidah reported: "The Prophet, peace be upon him, taught us that when we visited graves we should say, 'Peace be upon you, O believing men and women, O dwellers of this place. Certainly, Allah willing, we will join you. You have preceded us and we are to follow you.We supplicate to Allah to grant us and you security'.'' (Reported by Muslim, Ahmad, and others)

Ibn 'Abbas reported: "Once the Prophet, peace be upon him, passed by graves in Madinah. He tumed his face toward them saying: 'Peace be upon you, O dwellers of these graves. May Allah forgive us and you. You have preceded us, and we are following your trail'." (Tirmizhi)

'Aishah said: "Every time it was my turn to be with the Prophet, peace be upon him, toward the end of the night, he would go out to the cemetery of al-Baqi' and would say,

'Peace be upon you, O abode of believers. What you were promised will come to pass tomorrow at a fixed time. We shall, Allah willing, soon join you. O Allah! Grant forgiveness to the people who are buried in al-Baqi' al-Gharqad',' (Muslim)

'Aishah also reported: "I asked: 'What should I say when I pass by a graveyard, O Messenger of Allah?' He replied, 'Say, "Peace be upon the believing men and women dwelling here. May Allah grant mercy to those who have preceded us and those who are to follow them. Certainly, Allah willing, we will join you"'."

What some people do, like wiping hands over the graves and tombs, kissing them, and circumambulating around them are abominable innovations. Such things should not be done, for they are unlawful. These things are permissible, however, if performed in relation with the House of Allah, the Ka'abah, for Allah has so honored it. The grave of the Prophet, peace be upon him, cannot be considered a similar case, nor the tomb of a saint. All good comes from azherence to his example whereas all evil flows from innovating new things in religion.

Ibn al-Qayyim said: "The Prophet, peace be upon him, visited the graves to supplicate for their inhabitants, and to seek mercy and forgiveness of Allah for them. Contrary to this, the pagans supplicated to the dead, swearing by them, asking them for their needs, and seeking their support and help. Such pagan practices are in conflict with the guidance of the Prophet, peace be upon him, and his teachings about the Oneness of Allah and about the manner of supplicating for Allah's mercy for the dead. The people who do such things are guilty of polytheism; they are indulging in sin, and bringing evil to the deceased.They may be divided into three categories: those who supplicate for the deceased, those who supplicate through the deceased, and the third who supplicate to the deceased. They think that making supplications by a grave is better than in a mosque. For anyone who looks to the guidance of the Messenger of Allah, peace be upon him, and his Companions, the distinction between the two cited positions is fairly obvious."

### Fiqh 4.85: Can Women Visit Graves

Imam Malik and some Hanafi scholars, and, according to one report from Ahmad, most of the scholars hold it permissible for women to visit graves. This is based on the following hadith from 'Aishah, "What should I say to them, O Messenger of Allah when visiting graves?" As mentioned above Abdallah ibn Abi Mulaikah is also reported to have said, "Once 'Aishah returned after visiting the graveyard. I asked, 'O Mother of the Believers, where have you been?' She said: 'I went out to visit the grave of my brother Abd ar-Rahman.' I asked her: 'Didn't the Messenger of Allah, peace be upon him, prohibit visiting graves?' She said, 'Yes, he did forbid visiting graves during the early days, but later on he ordered us to visit them'." This is reported by Al-Hakim and Al-Baihaqi, who also remarked that this hadith was narrated only by Bistam bin Muslim al-Basri. Azh-Zhahabi said that it is a sound hadith.

Anas reported: "The Prophet, peace be upon him, saw a woman crying by the grave of her son, and said to her, 'Fear Allah, and be patient.' She replied, 'What do you care about my tragedy?' When he went away, someone told her, 'Indeed, that was the Messenger of Allah, peace be upon him. ' The woman felt extremely sorry and she immediately went to the Prophet's house, where she did not find any guards. She called out: 'O Messenger of Allah! I did not recognize you.' The Prophet, peace be upon him, said, 'Verily patience is needed at the time of the first affiction'." (Bukhari and Muslim) This supports the argument in favor of the permissibility of women visiting graves, for the Prophet, peace be upon him, saw her at the grave and did not show his disapproval of it.

The purpose of visiting graves is to remember the Hereafter, which is something that both men and women need. Men are by no means more in need of this reminder than women. Some scholars disliked it for women to visit graves as they are less patient and too emotional. The Prophet, peace be upon him, said, "May Allah curse the women who are frequent visitors of the graves." (Reported by Ahmad, Ibn Majah, and Tirmizhi, who said that it is a sound hadith)

Al-Qurtubi said: "The curse mentioned in this hadith applies only to those women who visit graves frequently. The reason for this curse lies perhaps in the fact that it involves infringement of the rights of

the husband, and leads to adornment and exhibition of their beauty to strangers, and shouting, yelling, and other similar things." It may be said that, "If no such harm is feared from women visiting graves, then there is no valid reason for preventing them from visiting graves, for indeed remembrance of death is something that both men and women equally need." Commenting on Al-Qurtubi's view, Ash-Shawkani said, "This statement may form the basis for reconciling apparently contradictory hadith."

## Fiqh 4.86: The Deeds that Benefit the Departed Souls and Proffering Reward for Good Deeds to the Messenger of Allah (peace be upon him)

There is consensus that a deceased person benefits from all good deeds for which he or she in his or her life might have been a cause. Abu Hurairah reported, "The Prophet, peace be upon him, said, 'When a person dies all his good deeds cease except for three: a continuous act of charity, beneficial knowledge, and a righteous son who prays for him'." (Muslim, and the Sunan) Also Abu Hurairah reported, "The Prophet, peace be upon him, said, 'The righteous works that continue to benefit a believer after his death include the knowledge that he taught and spread among others, a righteous son whom he leaves behind, or a copy of the Qur'an that he bequeaths to his inheritors, or a mosque that he builds, or a rest house that he builds for the wayfarers, or a canal of water that he digs for the benefit of others, or a charity that he gives out of his property during his life while he is sound of health. He will continue to receive reward for all these even after his death.' (Ibn Majah)

Jarir ibn Abdallah reported: "The Prophet, peace be upon him, said: 'Whoever introduces a good practice in Islam will get its reward and the rewards for all those who follow these practices after him, without any loss to their reward. And whoever introduces a bad practice in Islam will acquire its sin and the sins of all those who practice it, without any decrease in their sins."

An account of the righteous deeds performed by others that continue to be beneficial to the deceased is given in detail below:

2 Charity. An-Nawawi has recorded that Muslim scholars agree that charity benefits the deceased person and its reward reaches the deceased whether it is given by his or own son or by someone else. This is based on a report from Ahmad, Muslim, and others from Abu Hurairah that, "A man said to the Prophet, peace be upon him, ' My father died leaving wealth but no will. Would he be pardoned if we gave charity on his behalf?' He said: 'Yes."' It is also reported from Al-Hasan from Sa'd ibn 'Ubadah that "his mother died and he said, 'O Messenger of Allah, my mother has died. Should I give charity on her behalf?' He said: 'Yes.' I said: 'What is the best charity?' He said, 'Offering people a drink of water'." Al-Hasan said: "This is the drinking place of the family of Sa'd in Madinah." This is reported by Ahmad, Nasa'i, and others. Giving charity in the graveyard is not permissible and giving it during the funeral is disliked.

3 Fasting. This is based on a report by Bukhari and Muslim from Ibn 'Abbas who said, "A man came to the Prophet, peace be upon him, and said, 'My mother has died without making up for a missed month of fasting. Can I fast on her behalf? ' The Prophet, peace be upon him, said, ' Would you pay her debt if she owed someone?' The man said, 'Yes.' The Prophet, peace be upon him, said, 'Allah is more deserving of payment in settlement of His debt'."

4 Performing the Pilgrimage (Hajj). This is based on a report by Bukhari from Ibn 'Abbas that "a woman of the Juhainah tribe came to the Prophet, peace be upon him, and said, 'My mother had vowed to perform pilgrimage, but she died before she could fulfill her vow. Should I do it on her behalf?' The Prophet, peace be upon him, said, 'Yes. Perform Hajj on her behalf. Would you not pay the debt of your mother if she had owed someone? Fulfill it. Allah is more deserving of receiving payment for what is due to Him'."

5 Prayer (salah). This is based on a report by Ad-Darqutni who said that "a man asked, 'O Allah's Messenger! I had parents whom I served while they lived. How can I be good to them after their death? ' The Prophet, peace be upon him, said, 'Verily, among the good deeds that you can do after their death is to offer prayer (salah) for them when you pray for yourself and to fast for them when you fast for yourself'."

6 Recitation of the Qur'an. This is beneficial to the deceased according to the opinion of the majority of the scholars among the ahl al-sunnah.

An-Nawawi said, "The most well-known position of the Shafi'i school is that this does not benefit the deceased." Ahmad ibn Hanbal and a group of Shafi' i scholars hold that it does benefit the deceased . The reciter has an option. He may supplicate for the deceased to be rewarded for the recitation, saying: "O Allah! Grant the reward of what I recited to so-and-so."

Ibn Qudamah in al-Mughni stated, "Ahmad ibn Hanbal said, 'The deceased will receive the reward for every good done on his behalf. This is proved by textual evidence found on this subject. The fact that Muslims in every city gather to recite the Qur'an for the benefit of the deceased and that they have been doing so without any disagreement or disapproval show that there is consensus on this subject'."

Those who hold that the deceased benefits by the recitation of others make it conditional upon the reciter not to accept any payment for his recitation. If the reciter is paid for reciting, it is unlawful for both the giver and the receiver, and he shall have no reward for his reciting. Abd Ar Rahman ibn Shibl reported that the Prophet, peace be upon him, said, "Recite the Qur'an, and do good deeds .... Do not neglect it, nor be extreme in it. Do not make it a means of living nor a source of your wealth.'' (Reported by Ahmad, At-Tabarani, and Al-Baihaqi)

Ibn al-Qayyim said, "Worship is of two types: financial and physical. The Prophet, peace be upon him, has informed us that because charity (sadaqah) benefits the deceased, all other acts of charity will also benefit the deceased, and that because fasting on his behalf benefits the deceased, all other physical acts of worship will likewise benefit the deceased. Similarly the Prophet, peace be upon him, informed us that the reward of making Hajj, which involves both physical and financial sacrifice, does indeed benefit the deceased. Thus these three types of beneficial acts of worship are supported by both the revealed texts and reason."

## Fiqh 4.88: Intention as a Prerequisite

The performer must have the intention of performing an act on behalf of the deceased. Ibn 'Aqil said, "If one performed any act of obedience, for example, a prayer, fasting, or recitation of the Qur'an and made its reward a gift to a deceased Muslim, the deceased will receive the reward for it, provided that he has a prior intention of making it for the benefit of the deceased, and the act and the intention go together." Ibn al-Qayyim supports this opinion.

## Fiqh 4.88 a: The Best Present for the Deceased

Ibn al-Qayyim said, "The best present for the deceased is an act that is most beneficial to people, for example, freeing a slave.Thus a sadaqah giving in charity is better than fasting on behalf of the deceased. The best charity is that which fulfills someone's need and is continuous. The Prophet, peace be upon him, said, "The best charity is to give people a drink of water." This applies to a place where water is scarce. Otherwise, giving someone a drink of water from a river or a canal would not be better than feeding the hungry who need food. Likewise, supplication and asking forgiveness for the deceased is beneficial to the deceased, especially when the supplicant is sincere, earnest, and humble in his supplication. Such a supplication is better than charity, just as regular prayer (salah) is better than the funeral prayer and than supplicating for the deceased by his grave.

In general, the best gift to send the deceased is freeing a slave, giving in charity, asking forgiveness for him or her, and making the Hajj (pilgrimage) on his or her behalf.

## Fiqh 4.89: Presenting a Reward to Allah's Messenger (pbuh)

Ibn al-Qayyim said, "Some of the latter jurists hold it desirable while others do not agree because they regard it as an innovation (bid'ah). The Companions never did it. The Prophet, peace be upon him, shall receive a reward for every good done by anyone from among his community (Ummah) without in the

least diminishing the reward of the doer.This is because he is the one who invited his community to every good, and led them to it, and because the one who calls others to truth always has a reward similar to that of those who follow it without in any way diminishing their reward. Whatever guidance or knowledge his community gained, they gained it only through him, so he shall have a reward equal to that of his followers whether they formally dedicate it to him or not.

## Fiqh 4.89 a: Children of Muslims and Non-Muslims

The children of Muslims who die prior to the age of puberty go to Paradise. 'Adi ibn Thabit reported that he heard al-Bara' saying, "When Ibrahim, son of the Prophet died, the Prophet, peace be upon him, said, 'Verily, he will have suckling in Paradise'." (Bukhari) Al-Hafiz said in Al-Fath, "Bukhari indicates his view on this subject when he makes the statement that 'they are in Paradise'." Anas ibn Malik reported that the Prophet, peace be upon him, said, "If any Muslim has three children and they die prior to reaching the age of puberty, Allah will cause him to enter Paradise on account of His mercy to them."

It is clear from this hadith that those children who become a reason for others to enter Paradise, would themselves be in a far better position to enter it, because they are the real cause of the mercy of Allah.

As for children of non-Muslims, they are similar to the children of Muslims with respect to their entry into Paradise. An-Nawawi said, "This is the sound view held by the eminent scholars, and it is supported by Allah's words, 'We will not punish anyone until We have sent a Messenger.' (Qur'an 17.15) Now if an adult is not punished for the reason that the truth did not reach him, it is far more reasonable to assume that a child will not be punished." A report by Ahmad from Khansa, daughter of Mu'awiyah ibn Sarim, states that he related her aunt's following account: "I asked, 'O Messenger of Allah! Who will be in Paradise?' The Prophet, peace be upon him, said, 'Prophets will be in Paradise, martyrs will be in Paradise, and babies will be in Paradise'." Al-Hafiz said that this hadith has a sound chain of narrators.

## Fiqh 4.89 b: The Questioning in the Grave

Allahl al-Sunnah wa Al-Jama'ah agree that each person will be questioned after his death, whether he is buried or not. Even if a person were eaten by carnivorous animals or bumt to ashes and thrown into the air or drowned in the sea, he or she would be questioned about his or her deeds, and rewarded with good or evil depending on his or her deeds in life. Both the body and the soul together experience punishment or reward.

Ibn al-Qayyim said, "The early Muslim community and its prominent scholars held that after death, a person is either in bliss or torment both physically and spiritually. After its separation from the body, the soul endures a state of happiness or punishment. At times, when the soul rejoins the body, both of them receive torture or joy. On the Day of Resurrection, the souls will be returned to the bodies and they will rise from their graves and stand before the Lord of the worlds. The Muslims, Christians, and Jews, all believe in the resurrection of the body.

Al-Maruzi related that Imam Ahmad said, "The punishment in the grave is a reality, and only he who is misguided or wants to misguide others denies it."

Hanbal said, "I asked Abu Abdallah about the punishment in the grave. He said, 'These are the sound hadith and we believe in them and affirm them. We affirm everything that comes from the Prophet, peace be upon him, with a sound chain of narrators. If we were to confirm a report as being from the Prophet, peace be upon him, and then reject it or oppose it, we would be denying the Word of Allah, "Whatever the Messenger gives you, take it".' I asked him, 'Is the punishment of the grave a reality?' He said, 'Yes, it is a reality. The people are punished in their graves. ' I heard Abu Abdallah saying, 'We believe in the punishment of the grave, in Munkar and Nakir (the two questioning angels), and that the deceased will be questioned in their graves.' The Qur'an states that 'Allah will establish in strength those who believe in the Word, that stands firm in this world and in the Hereafter,' Qur'an 14.27 that is, in the grave."

Ahmad ibn al-Qasim said, I asked, 'O Abu Abdallah! Do you believe in Munkar andNakir and what is related conceming the punishment of the grave? ' He said, 'Glory to Allah.Yes, we do confirm that and we declare so.'I said, 'This expression that you use, is it Munkar and Nakir? Or do you call them, "The two angels?"' He answered: 'Munkar and Nakir.'I said, 'They say, "There is no mention of Munkar and Nakir in the hadith".' He replied, 'Of course there is. There is Munkar and Nakir'."

Al-Hafiz said in Al-Fath, "Ahmad ibn Hazm and Ibn Hubairah are of the opinion that the questioning is addressed to the soul only, without its returning to the body. The majority of Muslim scholars, however, disagree with them. They say, 'The soul is returned to the body or some of it, as is confirmed by the hadith. Had the punishment been directed at the soul only, there would not be concern for the body. The scattered parts of a body should pose no problem, for Allah is able to give life to any part of a body, and then address the questioning to that particular part. Likewise, He is able to gather all its parts easily'."

Those who hold that the questioning will be addressed only to the soul say that if one were to examine the body in the grave at the time of the questioning, one will notice no trace of its sitting or any other movement.One will also notice that the grave is neither more narrow nor spacious. Similar is the case of those who are not buried in any grave, e.g., the people who are crucified. To counter this objection, it is maintained that it is not impossible. Rather, in physical life we find a similar example, namely, sleeping. A sleeping person experiences both pleasure and pain, but his companion cannot notice any of its effects on him. In fact, even a person who is wide awake also feels pain and pleasure when he hears or thinks of his painful or pleasant experiences, but its effects cannot be noticed. Considering the unseen in the light of what is seen or guessing about life after death in terms of the present life is the mistake of this fallacious thinking.

Obviously Allah has screened the sights and sounds of the other world from man, and with our limited physical faculties, we are incapable of perceiving the vast kingdom of heavens, unless Allah wills it.

The opinion of the majority in this respect is supported by various hadith. The Prophet, peace be upon him, for example, told us, "the deceased hears the sound of their footsteps"; "his ribs are altered because of the embrace of the grave"; "the sound of his voice resounds when the angel strikes him with a hammer"; "he is struck between his ears," or "they (the two angels) will cause him to sit up." All these hadith refer to various bodily conditions. We will mention here some of the sound hadith concerning this subject.

Zaid ibn Thabit reported, "The Prophet, peace be upon him, was going with us toward the dwellings of Banu an-Najjar. He was riding a pony, which spooked and he nearly fell off. He found four, five, or six graves there, and asked, 'Which of you knows about those lying in these graves?' Someone said, ' I do . ' Thereupon the Prophet, peace be upon him, asked, ' In what state did they die? ' He replied, 'They died as polytheists. ' He said, "These people are passing through an ordeal in the graves. You would stop burying your dead in the graves if you heard the torment in the grave that I hear. If it were not for this fact, I should have certainly made you listen to it.' Then turning his face toward us, he admonished, 'Seek refuge with Allah from the torment of Hell.' They replied, 'We seek refuge with Allah from the torment of Hell.' He said, 'Seek refuge with Allah from the torment of the grave.' They said, 'We seek refuge with Allah from the torment of the grave. ' He warned, 'Seek refuge with Allah from temptations both visible and invisible.' They replied, 'We seek refuge with Allah from temptation (fitnah) in every visible and invisible form.' Then he added, 'Seek refuge with Allah from the temptation of the Dajjal.' They said, 'We seek refuge with Allah from the temptation of the Dajjal'." (Muslim)

Qatadah reported that Anas ibn Malik said, "The Prophet, peace be upon him, said, 'When a human is laid in his grave and his companions return and he hears their footsteps, two angels will come to him and make him sit and ask him, "What did you say about this man, Muhammad, may peace be upon him?" He will say, "I testify that he is Allah's servant and His Messenger." Then it will be said to him, "Look at your place in Hell-Fire. Allah has exchanged for you a place in Paradise instead of it".' The Prophet, peace be upon him, added, 'The dead person will see both his places. As for a non-believer or a hypocrite, he will respond to the angels, "I do not know, but I used to say what the people used to say ! " It will be said to him, "Neither did you know nor did you seek guidance from those who had

**knowledge." Then he will be hit with an iron hammer between his two ears, and he will cry and that cry will be heard by all except human beings and jinns'." (Bukhari and Muslim)**

**Al-Bara ibn 'Azib reported: The Prophet, peace be upon him, said, 'When a Muslim is questioned in his grave, he bears witness that there is no god but Allah, and that Muhammad is the Messenger of Allah.' According to one report, the verse, 'Allah will establish in strength those who believe with the Word, that stands firm in this world and in the Hereafter' (Qur'an 14.27) was revealed concerning the punishment of the grave. The deceased will be asked, 'Who is your Lord?' He will say, 'Allah is my Lord and Muhammad is my Prophet.' That is what is meant by the statement of Allah, 'Allah will make firm those who believe with a firm statement in this life and in the hereafter'." (Al-Bukhari, Muslim, and Sunan)**

**Ahmad and Abu Hatim reported that the Prophet, peace be upon him, said, "When a deceased person is laid in his grave, he hears the sound of the footsteps of people as they go away. If he is a believer, the prayer will stand by his head, the fasting will be to his right, alms to his left, and all other good deeds of charity, kindness to relations, and good behavior will be by his feet. The deceased will be questioned by the angels at his head. The prayer will say, 'There is no entrance through me.' Then he will be questioned by his right side where fasting will say, 'There is no entrance through me.' Then he will be questioned by his left side where charity will say, 'There is no entrance through me.' Then he will be questioned by his feet where the good acts of voluntary charity, kindness to relations, and good behavior will say, 'There is no entrance through me.' Then they will say to him, 'Get up.'And he will get up. The sun will appear to him and it will begin to set. Then they will ask, 'This man who was among you, what do you say about him? What is your testimony about him?' The man will say, 'Let me pray.' The angels will say, 'You will pray. Answer our question. What do you think about this man who was among you? What do you say concerning him? What do you testify concerning him?' The deceased will say, I bear witness that Muhammad was the Messenger of Allah who brought the truth from Allah.' The deceased will be told, 'According to this you lived, died, and according to this you will be resurrected, if Allah wills.'**

**"Then a door to Paradise will be opened for him. He will be told, 'This is your place in Paradise and what Allah has prepared for you. ' At this the desire and happiness of the deceased will increase. His grave will be enlarged 70 arms-length and his grave will be lit up. His body will change to his original form and his spirit will be placed in a bird dangling by the trees of Paradise in a nice breeze." The Prophet, peace be upon him, added, "That is what is meant by the statement of Allah, 'Allah will establish in strength those who believe with the Word that stands firm, in this world and in the Hereafter'." He also mentioned the unbeliever and said, "His grave will be compressed, so that his ribs will be crushed together. About this the Qur'an says, 'Verily, for him is a narrow life and We will resurrect him blind on the Day of Resurrection'.'' Qur'an 20.124**

**Samura ibn Jundub reported, "The Prophet, peace be upon him, after the prayers would turn toward us and ask us, 'Did any one of you have a dream?' If someone had, he would relate it. Upon hearing it the Prophet, peace be upon him, would say, 'Whatsoever Allah wills (is done).' One day he questioned us saying, 'Did anyone of you have a dream?' They answered, 'No.' Then the Prophet, peace be upon him, said, 'But I saw tonight two men. They came to me. They held my hand and took me to the holy land. We came across a man lying down, and behold, another man was standing over his head, holding a big rock. Behold, he was throwing the rock at the man's head, crushing it. The rock rolled away and the thrower followed it and brought it back. By the time he reached the man, his head was restored to its normal state. The thrower then did the same as he had done before. I asked my two companions, "Who are these two people?" They said, "Proceed!" So we proceeded and came to a man lying flat on his back and another man standing over his head with an iron hook. Behold, he would put the hook in one side of the man's mouth and tear off that side of his face to the back of the neck and similarly tear his nose from front to back and his eye from front to back. Then he turned to the other side of the man's face and did just as he had done with the other side. As soon as he tore one side, the other side returned to its normal state. Then he returned to it to repeat what he had done before. I said to my two companions, "Who are these two people?" They said to me, "Proceed!" So we proceeded and saw a hole like an oven, narrow at the top and wide at the bottom, and fire burning in it. In that oven there were naked men and women, and behold, flames of fire were reaching them from underneath, and when it reached them, they would be raised high until they were close to the mouth of the oven. Then the fire**

subsided and they went back inside it again. I asked, "Who are these?" They said to me, "Proceed!" And so we proceeded and came to a river of blood. And behold, in the middle of the river was a man standing, and on the bank there was one who had many stones. The man who was in the river would try to leave but the other man would throw rocks into his mouth so that he would return to where he was. Every time the former tried to leave, the other would throw rocks into his mouth. Then he would return to where he was. I asked, "Who are these people?" They replied, "Proceed! Proceed!" We proceeded until we came to a man with a repulsive appearance, the most repulsive appearance you ever saw in a man! Beside him there was a fire and he was kindling it and running around it. I asked my companions, "Who is this (man)?" They said to me, "Proceed! Proceed!" So we proceeded until we reached a garden of deep green dense vegetation, bedecked with all sorts of spring colors. In the middle of the garden there was a very tall man. I could hardly see his head because of his great height. And around him there were more children than I had ever seen before. I said to my companions, "Who is this?" They replied, "Proceed! Proceed!" So we proceeded until we came to a huge majestic garden, greater and better than I have ever seen! My two companions said to me, "Go up," and I went up.'

"The Prophet, peace be upon him, added, 'So we ascended until we reached a city built of gold and silver bricks. We went to its gate and asked the gatekeeper to open the gate. It was opened and we entered the city. There we found men with one side of their bodies as handsome as the most handsome person you have ever seen, and the other side as ugly as the ugliest person you have ever seen. My two companions ordered those men to throw themselves into the river. Behold, there was a river flowing through the city, and its water was as white as milk. Those men went and threw themselves in it and then returned to us after the ugliness of their bodies had disappeared and they turned in the best shape.' I said to them, "I have seen many wonders tonight. What is the meaning of all that I have seen?"

They replied, "We will inform you. As for the first man you came upon whose head was being crushed with the rock, he is the symbol of the one who studies the Qur'an and then neither recites it nor acts on it, and sleeps, neglects the enjoined prayers. As for the man you came upon whose mouth, nostrils, and eyes were torn off from front to back, he is the symbol of the man who goes out of his house in the morning and tells so many lies that it spreads all over the world. And those naked men and women whom you saw in the oven, they are the adulterers and the adulteresses, and the man whom you saw in the river of blood is the usurer. As for the man by the base of the tree, he was Abraham. As for the children around him, they are the children of the people. (The narrator added, "Some Muslims asked the Prophet. peace be upon him, 'O Messenger of Allah! What about the children of pagans?' The Prophet, peace be upon him, replied, 'And also the children of pagans'.") And the man whom you saw near the fire kindling it and going round it, is Malik, the gatekeeper of Hell."'

"The Prophet, peace be upon him, added, 'My two companions explained, "The men you saw half handsome and half ugly were those persons who had mixed an act that was good with another that was bad, but Allah forgave them." The first house is the common believer's house. As for this house, it is the house of martyrs. I am Gabriel and this is Michael. Now, raise your head."

When I raised my head, I saw a palace that looked like a cloud. They said, "This is your home." I said, "Let me enter my house." They said, "You still have some life to complete on earth. Upon completing it, you may come to your home''.' (Al-Bukhari)

Ibn al-Qayyim explained, "This is a text that pertains to the punishment of barzakh, for a vision by the Prophets is like revelation demonstrating the reality."

Al-Tahawi reported from Ibn Mas'ud that the Prophet, peace be upon him, said, "A person was ordered to be lashed a hundred times in his grave. He continuously asked Allah to decrease his punishment until only one lash remained. His grave was totally filled by fire. When the fire was removed, he regained consciousness and asked, 'Why was I lashed?' He was told, 'You offered a prayer once without proper purification, and you passed by an oppressed person but you did not help him'."

Anas reported, "The Prophet, peace be upon him, once heard a voice from a grave. He asked, 'When did this one die?' They said, 'He died during the pre-Islamic era.' He was pleased to hear that and

**remarked, 'Had I not feared that you would stop burying your dead, I would have asked Allah to let you hear the punishment of the grave'." (Reported by Nasa'i and Muslim)**

**'Abdallah ibn 'Umar reported, "The Prophet, peace be upon him, said, 'This is (Sa'd ibn Mu'azh), for whom the Throne (of Allah) moved. The doors of Heaven were opened for him and seventy thousand angels participated (in his funeral prayer). (His grave) was compressed and later on was expanded for him'." (Nasa'i)**

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**Fiqh 4.95: The Abode of Souls**

Ibn al-Qayyim dealt with this subject under a separate chapter in which he mentions opinions of various scholars concerning the abode of souls. Mentioning the most correct position he explained, "It is said that the abodes of the souls in barzakh vary considerably. Some of them are in the highest reaches of the heavens, such as the souls of the Prophets, peace be upon them all. Their status also varies as observed by the Prophet, peace be upon him, during the night of Isra."

Some souls are in the form of green birds who roam around freely in Paradise. These are the souls of some of the martyrs, but not all of them. The souls of some martyrs are prevented from entering Paradise on account of their debts or some other similar thing. This is supported by a report by Ibn Hanbal in his Musnad from Muhammad ibn Abdallah ibn Jahsh that "A man came to the Prophet, peace be upon him, and asked, 'O Allah's Prophet! What would I have if I am killed in the cause of Allah?' The Prophet, peace be upon him, replied, 'Paradise.' But, when the man got up to go, the Prophet added, 'Unless you have some debts to pay. Gabriel has informed me about it just now'."

Some souls will be locked out at the gate of Paradise, in accordance with this hadith: "I have seen your companion locked out at the gate of Paradise." Other souls are restricted to their graves as is evident from the hadith about the martyr who had stolen a cloak (He had stolen it out of the spoils of war before their proper distribution) when he was killed, the people asked, "Will he have bliss in Paradise?" The Prophet, peace be upon him, said, "By Him in whose hand is my soul, the cloak which he stole causes a fire to flare over him in his grave."

The abode of others is at the gate of Paradise, as described in a hadith by Ibn 'Abbas that, "The abode of martyrs is in a green dome, on a bright river, near the gate of Paradise. Their provision comes from Paradise in the morning and in the evening." (Ahmad) This does not apply to Ja'far ibn Abi Talib, whose hands were transformed into wings, and with these he flies wherever he wishes in Paradise.

Others remain confined to earth, for these souls cannot rise to heaven. Indeed, these are base, earthly souls which do not mix with the heavenly souls, just as they do not mix with them during their sojourn on earth. A soul that is oblivious to its Lord, blind to His love, negligent of His remembrance, and remiss in seeking His pleasure is a despicable earthly soul. After separation from its body, it cannot go anywhere, but remains here. On the other hand, the heavenly soul in this life clings to the love of Allah and to His remembrance, and seeks His pleasure and nearness. After separation from its body, it will join other kindred heavenly souls. In the barzakh (Literally an interval, a separation or a partition, Al-barzakh may be defined as the intervening state between death and the Last Day) and on the Day of Resurrection a person will be with those he loved. Allah will join some souls with others in the abode of barzakh and on the Day of Resurrection, placing the believer's soul with other pure souls, that is, other pure souls kindred to his soul. A soul, after separation from the body, joins other kindred souls who in their nature and deeds are similar to it and stays with them.

Some souls would be thrown in an oven or a pit along with other fornicators and harlots. Other souls would be in a river of blood, floating therein and swallowing rocks.The two categories of souls - the blessed and the damned - do not share a similar abode, for there are souls that reside in the highest reaches of heavens, while the others, low and mean earthly souls, cannot rise above the earth.

When one ponders the hadith and traditions on this subject carefully, one can easily find the reason for this. There is no contradiction in the sound traditions on this subject. In fact, they are all true and each supports the other. It is important, however, to understand the soul and to appreciate its essence and the laws that govern its functions. Indeed, the soul is something completely different from the body. It is in Paradise, but at the same time is attached to the grave and the body in it. It is the swiftest thing in moving, relocating, ascending, or descending from one place to another.These souls are divided into various categories: the ones that are free to move about, those that are confined, the ones that are celestial, and the others that are earthly and of a low order. After separation from their bodies, souls do experience health and sickness, and they feel far more pleasure and pain than they experienced when they were joined together.They are subject to confinement, pain, punishment, sickness, and grief as

they are to various states of joy, rest, bliss, and freedom. How similar is its condition in the body to when it was in the womb of its mother! And likewise how analogous is its situation after separation from the body to when it came out of the womb into this world! There are four abodes of the soul, and each abode is bigger and greater than the previous one.

The soul's first abode is the womb of the mother, where there is confinement, compression, seclusion, and three layers of darkness.The second abode is its earthly habitat where it grows, does good and evil, and accumulates blessings for its ultimate success or failure. Its third abode is the abode of barzakh, which is more spacious and immense than the abode of this world. This abode, compared to the fourth one, is like this [third] abode compared to the first abode.

The fourth abode is the abode of eternity, either Paradise or Hell. There is no other abode after these.Allah causes the soul to pass through these abodes in stages, until it reaches the abode most suitable for it, an abode that only it deserves and for which it is [uniquely] suitable, because this abode was created for it, and the soul was given the ability to perform the deeds that lead precisely to this abode.

In each abode the soul enjoys a peculiar status and position altogether different from what it has in other abodes. Blessed indeed is soul's Originator and Creator, Who gives it life, causes it to die, makes it happy or subjects it grief and sorrow. Blessed is He Who appointed for it various levels of success and failure, and distinguished them by various grades in accordance with their knowledge, performance, faculties, and morality.Whoever truly understands and appreciates this cannot, but bear witness to the fact that there is no deity except Allah, Who has no partners. With Him alone rests all authority, praise, and all that is good, and to Him alone all affairs return for decision. His is the absolute authority, and all dominion, might, honor, wisdom, and perfection free of any defects or imperfections. He is known through the testimony of His truthful Prophets and Messengers. They did indeed come with Truth. Reason testifies to its truthfulness, and nature supports and confirms it. And anything that contradicts this testimony is untrue.

## Fiqh 4.99: AZH-ZHIKR

All words of praise and glory to Allah, extolling His Perfect Attributes of Power and Majesty, Beauty and Sublimeness, whether one utters them by tongue or says them silently in one's heart, are known as zhikr or remembrance of Allah. He has commanded us to remember Him always and ever. The Qur'an says: O you who believe! Celebrate the praises of Allah, and do so often; and glorify Him morning and evening. Qur'an 33.41

If anyone remembers Allah, He remembers that person: "Remember me, I shall remember you." Qur'an 2.152 In a hadith qudsi, the Prophet, peace be upon him, narrated: "Allah says: 'I am to my servant as he expects of Me, I am with him when he remembers Me. If he remembers Me in his heart, I remember him to Myself, and if he remembers me in an assembly, I mention him in an assembly better than his, and if he draws nearer to Me a hand's span, I draw nearer to him an arm's length, and if he draws nearer to Me an arm's length, I draw nearer to him a fathom length, and if he comes to me walking, I rush to him at [great] speed. (Bukhari and Muslim)

Allah has bestowed a special distinction upon those who remember Him. The Prophet, peace be upon him, said, "The devotees have surpassed all." They asked, "Who are these exceptional people (Mufarridun), O Prophet of Allah?" He replied, "Those men and women who remember Allah unceasingly." (Muslim) These are the people who are really alive. Abu Musa reported, "The likeness of the one who remembers his Lord and the one who does not remember Him is like that of a living to a dead person." (Bukhari)

Remembrance of Allah is the foundation of good deeds. Whoever succeeds in it is blessed with the close friendship of Allah. That is why the Prophet, peace be upon him, used to make remembrance of Allah at all times. When a man complained, "The laws of Islam are too heavy for me, so tell me something that I can easily follow," the Prophet, peace be upon him, told him, "Let your tongue be always busy with the remembrance of Allah." The Prophet, peace be upon him, would often tell his Companions, "Shall I

tell you about the best of deeds, the most pure in the sight of your Lord, about the one that is of the highest order and is far better for you than spending gold and silver, even better for you than meeting your enemies in the battlefield where you strike at their necks and they at yours?" The Companions replied, "Yes, O Messenger of Allah!" The Prophet, peace be upon him, said, "Remembrance of Allah." (Reported by Tirmizhi, Ahmad, and Al-Hakim, who considers its chain of narrators sound)

Remembrance of Allah is also a means of deliverance from Hell Fire. Mu'azh reported, "The Prophet, peace be upon him, said, 'No other act of man is a more effective means for his deliverance from the chastisement of Allah than the remembrance of Allah." (Ahmad) Ahmad reports that the Prophet, peace be upon him, said, "Whatever you say in celebration of Allah's Glory, Majesty, and Oneness, and all your words of Praise for Him gather around the Throne of Allah. These words resound like the buzzing of bees, and call attention to the person who uttered them to Allah. Don't you wish to have someone there in the presence of Allah who would call attention to you?"

### Fiqh 4.100: How Much zhikr is Required?

Allah, the Exalted, ordered that He should be remembered a lot. Describing the wise men and women who ponder His signs, the Qur'an mentions, "those who remember Allah standing, sitting and on their sides," Qur'an 3.191 and "those men and women who engage much in Allah's praise. For them has Allah prepared forgiveness and a great reward." Qur'an 33.35 Mujahid explained, "A person cannot be one of 'those men and women who remember Allah much' as mentioned in the above verse of the Qur'an, unless he or she remembers Allah at all times, standing, sitting, or lying in bed."

When asked how much zhikr one should do to be considered as one of "those who remember Allah much," Ibn Al-Salah said that "much" is "when one is constant in supplicating, in the morning and evening and in other parts of the day and the night as reported from the Prophet, peace be upon him." Concerning the above Quranic verses 'Ali b. Abi Talha relates that Ibn 'Abbas said, "All obligations imposed upon man by Allah are clearly marked and one is exempted from them in the presence of a genuine cause. The only exception is the obligation of zhikr. Allah has set no specific limits for it, and under no circumstances is one allowed to be negligent of it. We are commanded to 'remember Allah standing, sitting and reclining on your sides,' in the morning, during the day, at sea or on land, on journey or at home, in poverty and in prosperity, in sickness or in health, openly and secretly, and, in fact, at all times throughout one's life and in all circumstances."

### Fiqh 4.101: Zhikr as an Integral Part of Worship

Sa' id b. Jubair said, "Anyone engaged in obeying Allah is in fact engaged in the remembrance of Allah." Some of the earlier scholars tied it to some more specified form. 'Ata said, "The gatherings of zhikr are the gatherings where the lawful and the prohibited things are discussed, for instance, selling, buying, prayers, fasting, marriage, divorce, and pilgrimage." Al-Qurtubi said, "Gatherings of zhikr are the gatherings for knowledge and admonition, those in which the Word of Allah and the sunnah of His Messenger, accounts of our righteous predecessors, and sayings of the righteous scholars are learned and practiced without any addition or innovation, and without any ulterior motives or greed."

### Fiqh 4.101 a: Etiquette of Zhikr

The purpose of zhikr is to purify hearts and souls and awaken the human conscience. The Qur'an says, "And establish regular prayer, for prayer restrains from shameful and unjust deeds, and remembrance of Allah is the greatest thing in life, without doubt." Qur'an 29.45 In other words, the remembrance of Allah has a greater impact in restraining one from shameful and unjust deeds than just the formal regular prayer. This is so because when a servant opens up his soul to his Lord, extolling His praise, Allah strengthens him with His light, increasing thereby his faith and conviction, and reassuring his mind and heart. This refers to "those who believe, and whose hearts find satisfaction in the remembrance of Allah, for without doubt in the remembrance of Allah do hearts find satisfaction." Qur'an 13.28

And when hearts are satisfied with the Truth, they turn to the highest ideals without being deflected by

impulses of desire or lust. This underscores the importance of zhikr in man's life. Obviously it would be unreasonable to expect these results just by uttering certain words, for words of the tongue unsupported by a willing heart are of no consequence. Allah Himself has taught us the manner in which a person should remember Him, saying, "And do bring your Lord to remembrance in your very soul, with humility and in reverence, without loudness in words, in the mornings and evening, and be not of those who are unheedful." Qur'an 7.205

This verse indicates that doing zhikr in silence and without raising one's voice is better. Once during a journey the Prophet, peace be upon him, heard a group of Muslims supplicating aloud. Thereupon the Prophet, peace be upon him, said, "Give yourselves a respite, you are not calling upon someone deaf or absent. Surely He Whom you are calling upon is near you and He listens to all. He is nearer to you than the neck of your mount." This hadith underlines the love and awe a person should feel while engaged in zhikr.

A part of this etiquette is the requirement that a person wishing to do zhikr be clean in body and dress, and smell sweet and fragrant. This will give him a fresh zeal and he will feel invigorated. One should face the qiblah during zhikr, for the best assemblies are those that face the Ka'bah.

### Fiqh 4.102: Excellence of Assemblies of Zhikr

Joining the assemblies or circles of zhikr is a commendable practice as shown by the following hadith: Ibn 'Umar reported, "The Prophet, peace be upon him, said, 'When you pass by a garden of Paradise, avail yourselves of it.' The Companions asked, 'What are the gardens of Paradise, O Messenger of Allah? ' The Prophet, peace be upon him, replied, 'The assemblies or circles of zhikr. There are some angels of Allah who go about looking for such assemblies of zhikr, and when they find them they surround them'."

Muslim reports that Mu'awiyyah said, "The Prophet, peace be upon him, went out to a circle of his Companions and asked, 'What makes you sit here?' They said, 'We are sitting here in order to remember Allah and to praise Him because He guided us to the path of Islam and he conferred favors upon us.' Thereupon he adjured them by Allah and asked if that was the only purpose of their sitting there. 'They said, By Allah, we are sitting here for this purpose only. ' At this the Prophet, peace be upon him, said, 'I am not asking you to take an oath because of any misapprehension against you, but only because Gabriel came to me and informed me that Allah, the Exalted and Glorious, was telling the angels that He is proud of you'."

Abu Sa'id Al-Khudri and Abu Hurairah reported that the Prophet, peace be upon him, said, "When any group of men remember Allah, angels surround them and mercy covers them, tranquility descends upon them, and Allah mentions them to those who are with Him."

Qatadah reported that Anas ibn Malik said, "The Prophet, peace be upon him, said, 'When a human is laid in his grave and his companions return and he hears their footsteps, two angels will come to him and make him sit and ask him, "What did you say about this man, Muhammad, may peace be upon him?" He will say, "I testify that he is Allah's servant and His Messenger." Then it will be said to him, "Look at your place in Hell-Fire. Allah has exchanged for you a place in Paradise instead of it".' The Prophet, peace be upon him, added, 'The dead person will see both his places. As for a non-believer or a hypocrite, he will respond to the angels, "I do not know, but I used to say what the people used to say ! " It will be said to him, "Neither did you know nor did you seek guidance from those who had knowledge." Then he will be hit with an iron hammer between his two ears, and he will cry and that cry will be heard by all except human beings and jinns'." (Bukhari and Muslim)

### Fiqh 4.102 a: Excellence of Pronouncing La llaha illa-Allah Sincerely

Abu Hurairah reported that the Prophet, peace be upon him, said, "When a servant of Allah utters the words la ilaha illa'Allah (there is none worthy of worship except Allah) sincerely, the doors of heaven open up for these words until they reach the Throne of Allah, so long as its utterer keeps away from the major sins." (Tirmizhi, who says it is a hasan gharib hadith)

Abu Hurairah also reported that the Prophet, peace be upon him, said, "Renew your faith." "How can we renew our faith?" they asked. The Prophet, peace be upon him, replied, "Say always, 'La ilaha ill-Allah'.'' (Reported by Ahmad with a sound chain of authorities)

Jabir reported that the Prophet, peace be upon him, said, "The best remembrance of Allah is to repeat La ilaha ill-Allah and the best prayer is alhamdu li-Allah (All Praise is due to Allah).'' (Reported by Nasa'i, Ibn Majah, and Al-Hakim, who considers its chain sound)

## Fiqh 4.103: Excellence of Tasbih, Tahmid, Tahlil, Takbir and Other Supplications

Abu Hurairah reported that the Prophet, peace be upon him, said, "There are two phrases that are light on the tongue but heavy on the scale of rewards and are dear to (Allah) the Gracious One. These are, subhanallah wa bi-hamdihi (All Glory is to Allah and all Praise to Him), and subhanallah al-azim (Glorified is Allah, the Great).'' (Muslim, Bukhari, and Tirmizhi) Abu Hurairah also reported that the Prophet, peace be upon him, said, "I love repeating subhanallah, wal-hamdulillah, wa la-ilaha ill-Allah, wa-Allahu akbar (Glorified is Allah, all praise is due to Allah, and there is no God but Allah, Allah is the greatest) more than all that the sun shines upon.'' (Muslim and Tirmizhi)

Abu Zharr reported, "the Prophet, peace be upon him, said, 'Shall I tell you the words that Allah loves the most?' I said, 'Yes, tell me, O Messenger of Allah.' He said, 'The words most dear to Allah are subhan-Allah wa bihamdihi (Glorified is Allah with all praise due to Him)'." This is narrated by Muslim and Tirmizhi. In Tirmizhi's version, we also find the following: "The words most dear to Allah which He has chosen for His angels are subhana Rabbi wa bihamdihi, subhana Rabbi wa bihamdihi (Glorified is my Lord with all praise due to Him, Glorified is my Lord with all praise due to Him)."

Jabir reported that the Prophet, peace be upon him, said, "Whoever says Subhan-Allah-al-Azim wa bihamdihi (Glorified is Allah, the Great, with all praise due to Him), will have a palm tree planted for him in Paradise.'' (Reported by Tirmizhi who considers it a sound hadith.)

Abu Sa'id reported that the Prophet, peace be upon him, said, "Perform the enduring goods deeds more frequently." The asked, "What are these enduring deeds?" The Prophet, peace be upon him, replied, At-Takbir, (Saying Allahu akbar i.e., Allah is the greatest) At-Tahlil, (Saying la ilaha ill-Allah, i.e., there is no god but Allah) At-Tasbih, (Saying subhan-Allah meaning, Exalted and far removed is Allah from any weakness) al-hamdu li-Allah, (This means: All praise belongs to Allah alone) and la hawla wala quwwata illa billah. (There is no power nor any authority except with the permission of Allah) This is reported by An-Nasa'i and Al-Hakim, who consider its chain of authorities sound.

Abdallah reported that the Prophet, peace be upon him, said, "During the Night Journey I met Ibrahim who said to me, 'O Muhammad, convey my greetings to your ummah, and tell them that the Paradise is of pure land, its water is sweet, and its expanse is vast, spacious and even. And its plants are Subhan-Allah, wal-hamdulillah, wala ilah illallah, wa-Allahu akbar'.''

Samura ibn Jundab reported that the Prophet, peace be upon him, said, "The dearest phrases to Allah are four: Subhan Allah, (Glorified is Allah), al-Hamdulillah (All praise be to Allah), Wa la ilaha ill-Allah (There is no God but Allah), and Allah-o-Akbar (Allah is the Greatest). There is no harm in beginning them in any order you choose while remembering Allah.'' (Muslim)

Abu Mas'ud reported that the Prophet, peace be upon him, said, "If anyone recites the last two verses of Surat al-Baqarah, they will suffice for him,'' (Bukhariand Muslim) that is, these two verses will bring him a reward equivalent to that of a night prayer, and will safeguard him from any hurt during that night. Ibn Khuzaimah in his Sahih has also mentioned it under the chapter "The Recitation of the Qur'an Equivalent in Reward to a Night Prayer."

Abu Sa'id reported that the Prophet, peace be upon him, asked, "Can anyone of you recite a third of the Qur'an during the night?" The Companions considered this rather difficult and they said, "Who among us can do so, O Prophet of Allah?" Thereupon the Prophet, peace be upon him, said, "(Say:) He is Allah,

the One and Only; Allah, the Eternal, Absolute; He begetteth not, nor is he begotten; and there is none like unto Him." (The reference here is to recitation of Surah 112 (Suratul Ikhlas) of the Qur'an, which the Prophet, peace be upon him, described as equivalent to reciting one-third of the Qur'an. This hadith is reported by Bukhari, Muslim, and Nasa'i)

Abu Hurairah reported that the Prophet, peace be upon him, said, "Whoever says, 'La llaha illa-Allahu wahdahu la sharika lahu, lahul-mulku wa lahul-hamd wa huwa 'ala kulli shai'in qadir' a hundred times during a day will have a reward equivalent to the reward for freeing ten slaves. Besides, a hundred good deeds will be recorded for him and a hundred bad deeds of his will be wiped off, and it will be a safeguard for him from Satan that day until evening, and no one will be better in deeds than such a person except he who does more than that." (Bukhari, Muslim, Tirmizhi, Nasa'i, and Ibn Majah) In the version of Muslim, Tirmizhi, and Nasa'i, we find this addition: "And whoever says subhan Allah wa bi-hamdihi a hundred times during a day, will have all his sins wiped off even if they were as numerous as the foam on the surface of the sea."

## Fiqh 4.105: Excellence of Istighfar

Anas reported that he heard the Prophet, peace be upon him, saying that Allah says, "O son of Adam, whatever you asked Me and expect from Me I forgave - respecting that which you owed to Me - and I don't care [how great this was]. O Son of Adam, even if your sins pile up to the sky and then you seek My forgiveness I will forgive you, and O son of Adam, even if you have an earthful of sins but you meet Me without associating any other thing with Me I will forgive you.' (Reported by Tirmizhi, who considers it a hasan sahih hadith)

Abdallah b. 'Abbas said, "If one supplicates without fail for forgiveness from Allah, He finds a way out for him to get out of every distress and difficulty, and gives him sustenance through ways utterly unthought of." (Reported by Abu Daw'ud, Nasa'i, Ibn Majah, and Al-Hakim, who says its chain of authorities is sound.)

## Fiqh 4.105 a: Some Comprehensive Forms of Zhikr

Juwairiyah (One of the wives of the Prophet, peace be upon him) reported that one day the Prophet, peace be upon him, left her apartment in the morning as she was busy observing her dawn prayer in her place of worship. He came back in the forenoon and she was still sitting there. The Prophet, peace be upon him, said to her, "You have been in the same place since I left you?" She said, "Yes." Thereupon the Prophet, peace be upon him, said, "I recited four words three times after I left you and if these were to be weighed against what you have recited since morning these would outweigh them, and these words are: Subhanallah wa bihamdihi 'adada khalqihi wa rida' nafsihi wa zinata 'arshihi wa midada kalimatihi (hallowed be Allah and praise is due to Him to the extent of the number of His creation and to the extent of His pleasure and to the extent of the weight of His Throne and to the extent of ink used in recording words for His Praise)." (Reported by Muslim and Abu Daw'ud)

Sa'd ibn Abu Waqqas reported that once the Prophet, peace be upon him, saw a woman who had some date-stones or pebbles which she was using as beads to glorify Allah. The Prophet, peace be upon him, said to her, "Let me tell you something which would be easier and more excellent for you than that." So he told her to say instead Subhan-Allah 'adada ma khalaqa fil-ard wa subhan Allah 'adada ma khalaqa bayna zhalika wa subhan-Allah 'adada ma huwa khaliq wa Allahu akhar mithla zhalik wa la ilaha illa-Allahu mithla zhalik wa la hawla wa la quwwata illa mithla zhalik (Glory be to Allah as many times as the number of what He has created in Heaven, Glory be to Allah as many times as the number of what He has created on Earth, Glory be to Allah as many times as the number of what He has created between them, Glory be to Allah as many times as the number of that which He is creating, Allah is the most great a similar number of times, praise be to Allah a similar number of times, and There is no god but Allah a similar number of times, and there is no might and no power except with Allah a similar number of times)." (Reported by the Compilers of the Sunan and Al-Hakim, who says it is a sound hadith according to the criterion of Muslim)

Ibn 'Umar reported that the Prophet, peace be upon him, told them, "A servant of Allah said 'My Lord!

All praise is for You as much as Your Glory and Sublime Majesty rightly deserve. ' This was too much for the two angels to record. They did not know how to record it. So they soared to the heaven and said, 'Our Lord! Your servant has said something which we don't know how to record?' Allah asked them--and, of course, He knew what the servant had said--'What did My servant say?' They said, 'He has said, "My Lord! All praise is for You as much as Your Glory and Sublime Majesty rightly deserve." Allah said to them, ' Write it down as My servant has said until he should meet Me and I reward him for it'.' (Reported by Ahmad and Ibn Majah)

### Fiqh 4.106: Counting on One's Fingers is Better than Counting Beads

Yusairah reported that the Prophet, peace be upon him, commanded them (the emigrant women) to be regular in remembering Allah by saying, "Allah is the most great," "Glory be to Allah, the Holy," and "There is no God but Allah," and never to be forgetful of Allah and His Mercy, and to count them on their fingers, for the fingers will be questioned and will speak. (Reported in the Sunan and by Al-Hakim with a sound chain of authorities)

Abdallah b. 'Amr b. al-'As reported, "I saw the Prophet, peace be upon him, counting the glorifications of Allah on his right hand's fingers.'' (Reported in the Sunan)

### Fiqh 4.107: Warning Against Sitting in Company Where Allah is Not Mentioned and Blessings on His Prophet are Not Invoked

Abu Hurairah reported that the Prophet, peace be upon him, said, "If peopie sit in an assembly in which they do not remember Allah nor invoke a blessing on the Prophet, it will be a cause of grief for them on the Day of Judgment." This is reported by Tirmizhi, who says it is a sound hadith.

In the version of Ahmad, however, we read, "If people sit in an assembly in which they do not remember Allah, it will be a cause of sorrow for them, and if a man is walking and does not remember Allah, it will be a cause of sorrow for him, and if a man lies down on his bed and does not remember Allah, it will be a cause of sorrow for him." Another version says, "It will be a sorrow for them, even if they are given Paradise in reward."

The author of Fath al-'Allam says, "This hadith proves that it is incumbent on one to remember Allah and invoke blessings on the Prophet while sittmg in an assembly, for whether we take the words 'cause of grief or sorrow' to mean torment of fire or any other chastisement, obviously a punishment is incurred only when an obligatory act is neglected or a forbidden act is committed, and here it is both the remembrance of Allah and the invoking of blessings on His Prophet that are apparently incumbent."

### Fiqh 4.107 a: Atonement for Sitting in an Assembly

Abu Hurairah reported that the Prophet, peace be upon him, said, "If anyone sits in an assembly where there is much clamor and says before getting up to leave, Subhanaka Allahumma wa bihamdika, ashadu an-la illaha illa-anta, astaghfiruka wa atubu ilayka (Glory be to You, O Allah, and I begin with declaring all praise is due to You, I testify that there is no god but You; I ask Your pardon and turn to You in repentance), he will be forgiven any sin that he might have committed while in that assembly. (Tirmizhi and Al-Baihaqi, (Kitab ad-D'wat Al-kabir))

### Fiqh 4.107 b: Atonement for Backbiting

It is related that the Prophet, peace be upon him, said, "The atonement for backbiting [and slander] is to pray for forgiveness of the person who was slandered and to say, 'O Allah, forgive us and him'."

The preferable course in this regard is to pray for forgiveness of the person who was the target of the slander and to mention his good qualities. This will wipe off the effects of such backbiting, and it is not necessary to announce such a thing.

## Fiqh 4.109: Injunction on Supplication

Allah has commanded people to call upon Him humbly and sincerely, promising them He will respond to their prayers and fulfill their needs.

Nu'man b. Bashir reported that the Prophet, peace be upon him, said, "Verily supplication is worship." Then he recited the Qur'anic verse, "And your Lord says, 'Call on Me. I will answer your prayer, but those who are too arrogant to serve me will surely find themselves humiliated in Hell!'' Qur'an 40.60. This is reported by Ahmad and Sunan.

'Abdar Razzaq reported from Al-Hasan that the Companions asked the Prophet, peace be upon him, "Where is our Lord?" At this Allah sent down the following verse of the Qur'an, "When My servants ask you (O, Muhammad) conceming Me, I am indeed close to them. I listen to the prayer of every supplicant when he calls upon Me.'' Qur'an 2.186

Abu Hurairah reported, "The Prophet, peace be upon him, said, "Nothing is more dear to Allah than one's supplication to Him.'' (Tirmizhi and Ibn Majah)

Abu Hurairah also reported, "The Prophet, peace be upon him, said, 'Whoever wants Allah to answer his prayers during difficult times, should supplicate to Him more and more in times of ease'.'' (Tirmizhi)

Abu Ya'la related from Anas that the Prophet, peace be upon him, reporting from his Lord said, "Allah said, 'There are four characteristics, of which one is Mine, one yours, one common between Me and you, and one is common between you and My other servants. The one that is Mine is that you shall not associate any other god with Me, the one that is for you is that when you do a good deed I shall reward you for it, the one that is common between Me and you is that when you supplicate I shall respond to your supplications, and the one that is common between you and My other servants is that you should like for them what you like for your own selves'."

In a sound hadith the Prophet, peace be upon him, said, "Allah's wrath is on the one who does not call upon Him for help." 'Aishah reported, "The Prophet, peace be upon him, said, 'Precautions are of no avail against the decree of Allah, but the supplication benefits in the case of a calamity that strikes or is about to strike. And when a calamity descends the supplication intercepts it and holds it at bay until the Day of Resurrection'. (Reported by Al-Bazar, At-Tabrani, and Al-Hakim, who says its chain of authorities is sound)

Salman Al-Farisi reported that the Prophet, peace be upon him, said, "Nothing can avert the decree of Allah except supplication, and nothing increases life except virtuous deeds." (Tirmizhi)

Abu 'Awanah and Ibn Hibban reported that the Prophet, peace be upon him, said, "When one of you supplicates, he should ask Allah for something important and great, for nothing is difficult for Allah."

## Fiqh 4.110: Etiquette of Supplication

There are certain manners that must be observed while making a supplication to Allah. These are given in the following topics.

### Fiqh 4.110 a: Pursuit of lawful means of Livelihood.

Ibn 'Abbas reported, "Once, when I recited the verses of the Qur'an, 'O you people! Eat of what is on earth, lawful and good' (2.168) in the presence of the Prophet, peace be upon him. Sa'd b. Abi Waqqas got up and said, 'O Messenger of Allah! Ask Allah to make me one whose supplication is heard.' At this the Prophet, peace be upon him, said, 'O Sa'd, consume lawful things and your supplications will be heard, and by Him in Whose hands is the soul of Muhammad, when a man puts into his stomach a morsel of what is forbidden his prayers are not accepted for forty days, and a servant of Allah whose

body is nourished by usury or by what is forbidden becomes more deserving of the Hell fire." (Al-Hafiz b. Marduwiyah)

Abu Hurairah reported that the Prophet, peace be upon him, said, "O people, Allah is Good and He, therefore, accepts only that which is good. And Allah commanded the believers as He commanded the Messengers by saying, 'O Messengers, eat of the good things, and do good deeds; verily I am aware of what you do,' Qur'an 23.51 and He said: 'O those who believe, eat of the good things that We gave you'." Qur'an 2.172 The Prophet, peace be upon him, then made mention of a person who travels widely, his hair dishevelled, and covered with dust. "He lifts his hands and makes supplication, 'O Lord, O Lord,' but his diet is unlawful, his drink is unlawful, and his clothes are unlawful, and his nourishment is unlawful. How then can his supplication be accepted?" (Muslim and Ahmad)

### Fiqh 4.111: Facing the Qiblah while making a Supplication.

The Prophet (peace be upon him went out and prayed for rain and faced the qiblah.

### Fiqh 4.111 a: Supplicating at the most Opportune Times and Locations.

These are, for instance, the day of 'Arafah, month of Ramadan, Friday, the last part of the night, at dawn, during prostration, at the time of rainfall, between the azhan and iqamah, at the time of encounter of armies, at times of panic, and when one's heart is soft and tender.

Abu Umamah reported, "The Prophet, peace be upon him, was asked, 'What supplication finds the greatest acceptance?' He answered: 'A prayer offered in the middle of the latter part of the night and after the prescribed Prayers'.' (Reported by Tirmizhi with a sound chain of authorities)

Abu Hurairah reported, the Prophet, peace be upon him, said, "The servant is nearest to his Lord when he is prostrating to Him, so make supplication in this state." (Muslim) There are very many hadith found in various books on this subject.

### Fiqh 4.111 b: Raising One's hands to one's shoulders.

Ibn 'Abbas is reported as saying, "When asking for something from Allah, you should raise your hands opposite to your shoulders; when asking for forgiveness you should point with one finger; and when making an earnest supplication you should spread out both your hands." This is reported by Abu Daw'ud.

Malik b. Yassar reported that the Prophet, peace be upon him, said, "Supplicate Allah with the palms of your hands, and do not supplicate Him with their backs upwards."

Salman reported that the Prophet, peace be upon him, said, "Your Lord, the Blessed and the Exalted One, is Modest and Generous, and He loathes to turn away His servant empty-handed when he raises his hands to Him in supplication."

### Fiqh 4.111 c: Starting the Supplication with Allah's Praise and Blessings on His Prophet.

Fudalah b. 'Ubaid reported that the Prophet, peace be upon him, heard a man supplicating during prayer. He did not glorify Allah, nor did he invoke blessings on the Prophet. The Prophet, peace be upon him, said, "He has been hasty." Then he called the man and said either to him, or to someone else, "When any one of you prays, he should begin by glorifying and praising his Lord and then he should invoke blessings on the Prophet, peace be upon him, and after that he should supplicate Allah for anything he wishes."

### Fiqh 4.111 d: Supplicating with attention and humility, in a voice neither loud nor low.

Allah says: "Neither say your prayer aloud, nor speak it in a low tone, but seek a middle course between." Qur'an 17.110 And "Call on your Lord with humility and in private, for Allah does not love those who go beyond bounds." Qur'an 7.55

Abu Musa Al-Ash'ari reported, "Once the people raised their voices in supplication. At this the Prophet, peace be upon him, said, 'Be easy on yourselves. You are not calling upon someone deaf or absent. Y ou are calling upon one Who is All-seeing and All-hearing. He is nearer to you than the neck of your mount. O Abdallah b. Qais, shall I tell you a word that is one of the treasures of Paradise? It is: "There is no power nor any might except with the permission of Allah".' (Muslim and Bukhari)

Abdallah b. 'Umar reported that the Prophet, peace be upon him, said, "Hearts are like vessels, some more attentive and capacious than others. When you supplicate Allah you should be certain of being answered, and know that Allah does not answer a supplication that comes from a careless and inattentive heart." (Ahmad)

### Fiqh 4.112: Supplications without a sin or breaking blood ties.

Ahmad records that Abu Sa'id reported that the Prophet, peace be upon him, said, "Any Muslim who makes a supplication containing nothing that is sinful and nothing that involves breaking ties of blood relationships, will be given for it by Allah one of these three things: He may accept his request, or assign its reward for him in the next world, or turn away from him an equivalent amount of evil." Those who heard it said, "We would, then, make many supplications." The Prophet, peace be upon him, replied, "Allah is more than ready to answer what you ask."

### Fiqh 4.112 a: Avoiding hastiness for acceptance of supplication.

Abu Hurairah reported that the Prophet, peace be upon him, said, "Your supplication will be answered if you are not impatient, and if you do not say, 'I supplicated but my supplication was not heard'." (Malik)

### Fiqh 4.112 b: Supplicating with confidence in its acceptance.

Abu Hurairah also reported that the Prophet, peace be upon him, said, "None of you should say, 'O Allah, forgive me if You wish, (or) O Allah, have mercy on me if you wish.' Rather you should be firm in your request, for (Allah does whatever He wishes) and no one can force Him to do otherwise."

### Fiqh 4.112 c: Choosing comprehensive words for supplication.

The Prophet, peace be upon him, loved comprehensive supplications but used other supplications as well. The Qur'anic supplication, "Our Lord, give us good in this world, and give us good in the hereafter," is just such a comprehensive supplication.

A man came to the Prophet, peace be upon him, and said, "O Messenger of Allah, which is the best supplication?" The Prophet, peace be upon him, said, "Supplicate to your Lord for forgiveness and security in this world and in the Hereafter." He came again the next day, and then again on the following (third) day and asked him the same thing. The Prophet, peace be upon him, gave him the same answer, and then said, "If you are given forgiveness and security in this world and in the Hereafter you have attained success." Another version says: "The Prophet, peace be upon him, said, 'No supplication made by a person is better than asking "O Allah, I ask You for security in this world and in the Hereafter"'." (Ibn Majah)

### Fiqh 4.113: Avoid Supplicating Against (Cursing) Yourself, your Family, or Property.

Jabir reported that the Prophet, peace be upon him, said, "Do not supplicate against your own selves, your children, your servants, or your property, lest you should supplicate at a time when supplications are accepted."

### Fiqh 4.113 a: Repeating a supplication three times.

Abdallah b. Mas'ud reported that the Prophet, peace be upon him, loved to repeat his supplication three times, and pray for forgiveness three times." (Abu Daw'ud)

### Fiqh 4.113 b: When supplicating for someone begin with yourself.

The Qur'an says that the believers pray, "Our Lord, forgive us and our brethren in faith who have preceded us in faith." Ubayy b. Ka'b reported, "When someone requested the Prophet, peace be upon him, to pray for him, he used to begin by supplicating for his own self." (Reported by Tirmizhi with a sound chain of authorities)

### Fiqh 4.113 c: Supplication of a father, of one who is fasting, a traveller, and of a person who is wronged.

The Prophet, peace be upon him, said, "The supplications of three persons are accepted, and there is no doubt concerning their acceptance: the supplication of a father, of a traveller, and of one who is wronged.' (Reported by Ahmad, Abu Daw'ud, and Tirmizhi, with a sound chain of transmitters)

The Prophet, peace be upon him, also said, "The supplications of three persons are not rejected: the supplication of a fasting person at the time of breaking fast, of a just ruler, and of a person who is wronged. Allah causes their supplications to rise above the clouds, and gates of heaven are opened for them, and God says, 'By My Majesty, I will help you, even it be after a while'." (Reported by Tirmizhi with a sound chain of authorities)

### Fiqh 4.114: Prayer of a Muslim for Another Muslim in his Absence

Safwan ibn 'Abdallah reported, "I visited Abu Darda's house in Syria. I did not find him there but Umm Darda was present at the house. She asked, 'Do you intend to perform Hajj during this year?' I replied, 'Yes.' She said, 'Do supplicate Allah for us, for Allah's Messenger, peace be upon him, used to say, "The supplication of a Muslim for his brother in his absence is accepted when he makes a supplication for blessings for his brother, and the commissioned Angel says, 'Amen, May it be for you too!"" I went to the market and met Abu Darda and he narrated a similar report from Allah' s Messenger, peace be upon him. (Reported by Muslim and Abu Daw'ud)

Abdallah ibn 'Amr ibn al-'As reported that the Prophet, peace be upon him, said, "The supplication that gets the quickest answer is the one made by one Muslim for another in his absence.'' (Abu Daw'ud and Tirmizhi)

'Umar ibn al-Khattab reports, "I sought permission of the Prophet, peace be upon him, to perform 'Umrah. He gave me permission, and said, 'My younger brother, do not forget me in your prayers. ' 'Umar said, 'It was a word more pleasing to me than the entire wealth of the world'."

### Fiqh 4.114 a: Opening Words Recommended for a Supplication

Buraidah reported that the Prophet, peace be upon him, heard a man saying, "O Allah, I ask You, I bear witness that there is no god but You, the One, the Etemal, Besought of all, Who begets not, nor is begotten; and there is none like unto Him." The Prophet, peace be upon him, said, "You have asked Allah by His Greatest Name. When one asks Him by this name, He gives, what one desires, and when supplicated by this name He answers." (Reported by Abu Daw'ud and Tirmizhi, who regards it a sound hadith)

Commenting on the above hadith, Al-Munzhri says, "Our teacher Abu al-Hasan Al-Maqdisi said, 'There is no weakness in its chain, and no other and more sound hadith is found on this subject'."

Mu'azh b. Jabal reported that the Prophet, peace be upon him, heard a man saying, " O Lord of Majesty and Honor!" At this the Prophet, peace be upon him, said, "Your supplication will be heard, so ask for what you want to ask.'' (Reported by Tirmizhi, who says it is a sound hadith)

Anas reported, "Once the Prophet, peace be upon him, passed by Abu 'Ayyash, Zayd b. as-Samit az-Zarqi, while he was offering prayer and saying, 'O Allah, I call upon You for to You is due all praise, there is no god but You, O the Compassionate One, O the True Benefactor, the Originator of the heavens and the earth, the Lord of Majesty and Honor, O the Living One, O the One Who is self-subsisting and sustains all.' The Prophet, peace be upon him, said, 'You have called upon Allah by His greatest name. Anyone calling upon Him by this name is heard, and whatever one asks Him for, He grants it'." (Reported by Ahmad and others. Al-Hakim says that it is sound according to the criterion of Muslim) Mu'awiyah reported, "I heard the Prophet, peace be upon him, saying, 'Whoever supplicates with these five phrases will be granted whatever he asks, 'la ilaha illa-Allah wallahu akhar (there is no god but Allah and Allah is the greatest), la ilaha ill-Allahu wahdahu la sharika lahu (there is no god but only Allah, and he has no partners), lahul-mulku wa lahul-hamd wa huwa 'ala kulli shai'in qadir (to Him belongs the authority and His is all praise, and He has power over all things), la ilaha illa-Allahu wa la hawla wala quwwata illa billah (there is no god but Allah and there is no power nor any strength except with His permission)." (Reported by At-Tabarani with a sound chain)

## Fiqh 4.115: Supplications for Morning and Evening

The time for the supplications of morning is from dawn until the sunrise, and those of the evening are meant for the time between 'Asr (late afternoon) until the sunset.

Abu Hurairah reported that the Prophet, peace be upon him, said, "If anyone said in the morning and evening: 'subhana-Allah wa bihamdihi' (Glory to Allah and all praise to Him), a hundred times, on the Day of Judgment none will come with anything better than that except the person who utters similar words or adds some to them."

Ibn Mas'ud reported, "When it was evening the Prophet, peace be upon him, would supplicate, "We have evening and the whole Kingdom of Allah also has evening and all praise is due to Allah. There is no god but Allah, the One Who has no partner with Him, His is the Sovereignty and all Praise is due to Him, and He has power over all things. O Allah, I ask You the good of this night and I seek refuge in You from the evil of this night and the evil that follows it. O Allah, I seek refuge in You from sloth and from the evil of vanity. O Allah, I seek refuge in You from the torment of Hell-Fire and from the torment of the grave." And likewise when it was morning he would say, "It is morning for us and [also] for the whole Kingdom of Allah." (Muslim)

Abdallah b. Habib reported that the Prophet, peace be upon him, said, "Speak." I asked, "O Messenger of Allah, what should I say?" He replied, "Recite Surat al-Ikhlas, and the two last surahs (of the Qur'an), i.e. Surat al-Falaq and Surat an-Nas, in the morning and evening three times, and it will suffice you for everything."

Abu Hurairah reported that the Prophet, peace be upon him, used to teach his Companions, "When it is morning you should say, 'O Allah, we have reached morning with Your help and evening with Your help, and with Your help we live and by Your command we die, and to You is our Resurrection.' And when it is evening you should say, 'O Allah, with Your help we have reached evening, and with Your help we will reach morning, with Your help we live and by Your command we die, and to You is our return'." (Reported by Tirmizhi, who says it is a hasan sahih hadith)

Shaddad b. Aws reported that the Prophet, peace be upon him, said, "The best supplication for forgiveness is to say, 'Allahumma anta Rabbi la ilaha illa anta, Khalaqtani wa ana 'abduka, wa ana 'ala 'ahdika wa wa'dika mastata'tu. A'uzhu bika min sharri ma sana'tu, abu'u laka bini'matika 'alayya wa abu'u laka bizhanbi faghfirli innahu la yaghfiru zhzhunuba illa anta (O Allah, You are my Lord, there is no god but You. You created me and I am Your servant, and I try my best to keep my covenant (faith) with You and to live in the hope of Your promise. I seek refuge in You from evil done by me. I acknowledge Your favors upon me and I acknowledge my sins. So forgive me for none forgives sins but

You."') The Prophet, peace be upon him, added, "If somebody recites this during the day with firm faith in it, and dies on the same day before the evening, he will be one of the people of Paradise. And if somebody recites it at night with firm faith in it, and dies before the morning, he will be one of the people of Paradise." (Bukhari)

Abu Hurairah reported ihat once Abu Bakr as-Siddiq asked the Prophet, peace be upon him, to tell him something to pray in the morning and in the evening. The Prophet, peace be upon him, said, "Say, O Allah, Creator of the heavens and the earth, Who knows the unseen and the seen, Lord and Possessor of everything! I testify that there is no god but You. I seek refuge in You from the evil within myself, from the evil of the devil, and from his inciting one to attribute partners to Allah." Then he added, "Say this in the morning, in the evening, and when you go to bed."

'Uthman b. 'Affan reported that the Prophet, peace be upon him, said, 'If any servant of Allah says daily in the morning and in the evening, ' In the name of Allah, by Whose name nothing in the earth or in the heaven can do any harm, and He is All-Hearing, All-Knowing!" three times, nothing will harm him.' (Reported by Tirmizhi who regards it a hasan sahih (sound) hadith)

Thawban reported that the Prophet, peace be upon him, said, "If anyone says in the morning and in the evening, 'I am pleased with Allah as my Lord, with Islam as my religion, and with Muhammad as the Prophet,' Allah will certainly please him." (Tirmizhi, who says it is a sound (hasan sahih) hadith)

Anas b. Malik reported that the Prophet, peace be upon him, said, "If anyone says in the morning or in the evening, 'O Allah! it is morning, I call to bear witness to You, and to the bearers of Your Throne, Your angels, and all Your creatures, that You are Allah other than Whom there is no god, and that Muhammad is Your servant and Messenger,' Allah will emancipate one-fourth of him from Hell. If one says it twice, Allah will emancipate one-half of him from Hell. If one says it three times, Allah will emancipate three-fourths of him (from Hell). And if he says it four times, Allah will emancipate him (completely) from Hell. (Tirmizhi)

Abdallah ibn Ghannam reported that the Prophet, peace be upon him, said, "If anyone says in the morning, 'O Allah! Whatever favor has come to me, has come from You alone Who has no partner. To You all praise is due and all thanksgiving,' he expresses his thanksgiving for the day. And if anyone says the same in the evening, he expresses his thanks for the night. (Abu Daw'ud)

Abdallah ibn 'Umar said, "The Prophet, peace be upon him, always uttered these supplications in the evening and in the morning: 'O Allah, I ask You for security in this world and in the Hereafter. O Allah! I ask You for forgiveness and security in my din and in my worldly affairs, in my family and in my property. O Allah! Cover up my faults, and keep me safe from the things I fear. O Allah! Guard me from the front and the behind, from the right and the left, and from above. And I seek in Your greatness the protection from unexpected harm from beneath." (Abu Daw'ud and Al-Hakim) Waki' said, "This means to be swallowed up by the earth."

'Abdur-Rahman b. Abu Bakrah said that he told his father, "O my father! I hear you supplicating every morning with the words: 'O Allah! Grant me sound health. O Allah! Grant me sound hearing. O Allah! Grant me sound eyesight. There is no god but You.'

You repeat them three times in the morning and three times in the evening.' He replied, 'I heard the Prophet, peace be upon him, using these words as a supplication and I like to follow his practice'." (Abu Daw'ud)

Ibn 'Abbas reported that the Prophet, peace be upon him, said, "If anyone said, 'O Allah, I have risen with Your help, blessings, security, and protection, so complete Your blessings upon me, Your security for me, and your protection, in this world and in the Hereafter,' three times in the morning and in the evening, Allah will certainly complete His favors upon him."

Anas reported that once the Prophet, peace be upon him, exclaimed, "Can't anyone of you be like Abu

Damdam?" The Companions asked, "Who is Abu Damdam, O Messenger of Allah?" He replied, "When he gets up in the morning he says, 'O Allah, I offer my honor and life to You?' So that he would not abuse those who abused him, nor would he wrong those who wronged him, or hit those who hit him."

Abu Darda reported that the Prophet, peace be upon him, said, "If anyone says daily in the morning and in the evening, 'Allah suffices me, there is no god but He, in Him is my trust, and he is the Lord of the Throne, Supreme,' seven times, Allah will suffice him for all the concerns of the life of this world and of the Hereafter."

It is reported that Talq b. Habib said, "A man came to Abu Darda and said to him, 'O Abu Darda, your house has burned.' He said: 'No, it cannot be burned. Allah will never allow this to happen because of the words that I heard from the Prophet, peace be upon him. Whoever says these words in the beginning of a day, the Prophet, peace be upon him, told us, will not be afflicted by a misfortune until the end of the day, and whoever says these words in the evening will not be afflicted until morning. These words are, "O Allah, You are my Lord, there is no god but You, I put my trust in You, You are the Lord of the Mighty Throne. Whatever Allah wills will happen and what He does not will, cannot happen. There is no power or strength except with Allah, the Exalted, the Mighty. I know that Allah has power over all things, and Allah comprehends all things in knowledge. O Allah, I seek refuge with You from the evil of myself and from the evil of all creatures under Your control. Surely the straight way is my Sustainer's way".'"

In some versions of this hadith we further find that he said, "Come, let us go. So he went with them to his house. They found all the area surrounding the house burned but his house was not damaged."

## Fiqh 4.119: Supplications at Bed-Time

Huzhaifah and Abu Zharr reported that when the Prophet, peace be upon him, went to bed, he would say, "O Allah, by Your name I live and die." And when he woke up he said, "Praise be to Allah Who gave us life after death and to Him is the return." He placed his right hand under his cheek and prayed, three times, "O Allah, save me from Your punishment on the day when You will raise Your creature."

He would also say, "O Allah, Lord of the heavens, the earth, and the Mighty Throne, our Lord and the Lord of everything, Who causes the seed to grow and the date-stone to split and sprout, Who sent down Taurah, Injil, and the Qur'an, I seek refuge in You from the evil of all evil-mongers under Your Control. You are the First and there is nothing before You, and You are the Last, and there is nothing after You. You are the Evident and there is nothing beyond You, and You are the Source and there is no power beside You. Relieve us of our debt and poverty." This is reported by Bukhari.

The Prophet, peace be upon him, also prayed, "Praise be to Allah Who has fed us and given us to drink, met all our needs, and given us refuge, while there are many who have neither anyone to meet their needs nor anyone to provide them with a refuge." And every night when he retired to bed he would hold out his hands together imploringly and blow over them after reciting Surah Al-Ikhlas, Surah Al-Falaq, and Surah An-Nas, and then rub his hands over whichever parts of his body he was able to rub, starting with his head, face, and front of his body. He used to do that three times.

The Prophet, peace be upon him, instructed his Companions that when they go to bed they should supplicate, "In Your name, O Lord, I lay me down to sleep. And by Your leave I raise myself up. So if You take away my soul during sleep, forgive it, and if You keep it alive after sleep protect it just as You protect Your pious servants."

The Prophet, peace be upon him, once advised his daughter, Fatimah, "Say subhan-Allah thirty three times, al-hamdu-lillah, thirty three times, and Allahu akbar, thirty four times." He also commended the recitation of ayatal-Kursi, the verse of the Throne, Qur'an 2.255 along with the above supplications, and said that he who does so will be under the protection of Allah, Who will assign a protector to protect him.

The Prophet, peace be upon him, said to Bara, "When you go to bed make wudu as you do for the regular prayer, and then lie down on your right side and say, ' O Allah, I surrender my soul to You, and I tum my face toward You, and I trust my affairs to Your care. I turn to You in fear and hope. There is no refuge nor any protection against You except in You. I believe in Your book which You have revealed to Your Prophet whom You sent'." Then he added, "If you die, you will die in your true nature, and these words will be your last words."

## Fiqh 4.121: Supplication on Waking Up

The Prophet, peace be upon him, advised that on waking up from sleep one should say, "Thanks be to Allah Who returned my soul, made my body sound, and permitted me to remember Him."

When the Prophet, peace be upon him, woke he would say, "There is no god but You, glory be to You. O Allah, I seek Your forgiveness of my sins, and ask for Your mercy. O Allah, increase me in knowledge, and let not my heart deviate after You have guided me on the right path. Grant me mercy from You, for You are the Grantor of bounties without measure."

In another sound hadith the Prophet, peace be upon him, said, "Whoever wakes up from sleep and cannot go back to sleep, and says, "La ilaha illa-Allahu wahdahu la sharika lahu, lahul-mulk wa lahul-hamd, wa huwa 'ala kulli sha' in qadeer, al-hamdu lillahi, wa subhan'Allah, wa la ilaha illallahu, wallahu akbar, wala hawla wala quwwata illa billah (there is no god but Allah, He is One and has no partner, to Him belongs all praise and all authority, and He has power over all things, praise be to Allah, glory be to Aliah, there is no god but Allah, Allah is the greatest, there is no power nor any authority but with Allah),' and then says, 'Allahumma ighfir li (O Allah, forgive me), or asks some other thing, will be answered, and if he makes wudu and offers a prayer it will be accepted from him."

## Fiqh 4.122: When One is Frightened During Sleep

'Umar b. Shu'aib reported from his father and he from his grandfather that the Prophet, peace be upon him, said, "When one of you is frightened during sleep he should say, 'I seek protection in the perfect words of Allah, from His displeasure and punishment and from evil people, and from the (evil) prompting of devils and from their presence.' Then nothing will harm him." The narrator added, "Ibn 'Umar used to teach this to his children, both grown up and young, and he would write it on a piece of paper and make them wear it around their necks." The chain of authorities of this hadith is sound.

Khalid b. Walid reported that once he suffered from insomnia. The Prophet, peace be upon him, said to him, "Shall I teach you words that will make you go to sleep when you say them? Say, 'O Allah, the Lord of the seven heavens and whatever they cover, Lord of the earths and whatever they contain, Creator of devils and whomever they mislead, be my protector from the evil of all Your creatures lest some of them may hasten with insolence against me or transgress the bounds. Honored is he who is in Your protection and blessed be Your name, there is no god except You'.' (Reported by At-Tabrani in his Al-Kahir and Al-Awsat. Its chain is sound, although Abdur-Rahman did not hear it from Khalid. Al-Hafiz al-Munzhari has mentioned it)

Bara' b. 'Azib reported that a man complained to the Prophet, peace be upon him, about fear and depression. The Prophet said to him, 'Say, 'Glory to Allah, the Holy, the King, Lord of the angels and of Gabriel. Your power and glory encompass the heavens and the earth." The man said these words and Allah healed him of his depression and fear.

## Fiqh 4.122 a: Prayer on Dreaming Something Unpleasant

Jabir reported that the Prophet, peace be upon him, said, -If someone of you sees an unpleasant dream he should spit three times on his left side and seek Allah's refuge from the accursed Satan, and change the side on which he was lying.' (Reported by Muslim, Abu Daw'ud, Nasa-i, and Ibn Majah)

Abu Sa'id Al-Khudri reported that he heard the Prophet, peace be upon him, saying, "When someone

among you sees a good and pleasing dream, he should know that it is from Allah, and so he should praise and thank Allah, and describe to others what he saw in the dream. But if he sees something he dislikes then it is from Satan, so he should seek Allah's refuge from its evil and should not mention it to anyone. It will not harm him." (Reported by Tirmizhi, who said it is a hasan sahih hadith)

## Fiqh 4.123: Prayer On Wearing Clothes

Ibn As-Sinni reported that when the Prophet, peace be upon him, put on his clothes, whether a shirt, a cloak, or a turban, he would say, "O Allah, I seek from You its goodness and the goodness for which it is made, and I seek Your refuge against its evil and the evil that is apportioned for it."

Mu'azh b. Anas reported that the Prophet, peace be upon him, said, "If anyone wears a new garment and says, 'All thanks and praise be to Allah, Who clothed me and gave me sustenance, whereas I have no power or strength,' Allah will forgive all his previous sins." To pronounce the name of Allah is also recommended, because anything done without invoking Allah's name is flawed.

Abu Sa'id Al-Khudri reported that when the Prophet, peace be him, got a new piece of garment, he would mention it, whether a turban or a shirt or a cloak, and then would say, "O Allah all praise and thanks be to You. You have given me this garment. I seek from You its good and the good that is made of it and I seek Your refuge against its evil and the evil that it is made of." (Reported by Abu Daw'ud and Tirmizhi, who considers it a sound hadith)

'Umar reported that he heard the Prophet, peace be upon him, say "If anyone wears some new clothing and says, 'all praise and thanks be to Allah Who clothed me to cover my nakedness, and made it a means of adomment for me,' and then takes his old garment and gives it in charity, will be under the protection of Allah and will be treated as if struggling in the cause of Allah, in life and after his death."

## Fiqh 4.123 a: On Seeing Another Muslim Wearing Some New Clothes

According to a sound hadith, the Prophet, peace be upon him, dressed Umm Khalid, a small girl, in a black woolen blanket and said to her, "May you live so long that you will wear out many garments." The Companions used to say, "May you live so long that you wear out this garment and may Allah replace it with a better one." On seeing 'Umar wearing some new clothes the Prophet, peace be upon him, said, "May you wear new clothes and may you live nobly and die as a happy martyr.' (Reported by Ibn Majah and Ibn As-Sinni)

## Fiqh 4.124: On Discarding a Piece of Clothing

Anas reported that the Prophet, peace be upon him, said, "The barrier between the eyes of the Jinn and the nakedness of the Children of Adam is [created] when a Muslim discards a garment and says, 'In the name of Allah besides Whom there is no other god'." (Ibn As-Sinni)

## Fiqh 4.124 a: On Leaving One's House

Anas reported that the Prophet, peace be upon him, said, "When one of you leaves the house he should say, 'In the name of Allah, I put my trust in Allah. There is no power or strength except with Allah.' To him is said, 'This is sufficient for you. You are protected, saved, and guided.' The devil leaves him alone, saying to another devil, 'How can you tackle a man who is guided, saved, and well protected'.' (Abu Daw'ud)

A sound hadith reports the following supplication from Anas: "In the name of Allah, I believe in Allah, and I seek protection of Allah. There is no power or strength except with Allah." (Musnad Ahmad)

Umm Salmah reported that whenever the Prophet, peace be upon him, whenever left her apartment he would look up and then pray, "O Allah, I seek Your refuge against going astray or leading others astray,

**slipping or causing others to slip, doing wrong or being wronged by others, and behaving arrogantly or being treated arrogantly by others." (Reported by Tirmizhi, who considers it a sound hadith)**

## Fiqh 4.125: Prayers On Entering One's House

**Jabir reported, "I heard the Prophet, peace be upon him, saying, 'If a man remembers Allah while entering his house and eating his meals, the devil says to his forces, "You will have no place to sleep or food to eat." But if the person fails to remember Allah while entering his house the devil says to them, "You have found the place to rest at night." And if he does not remember Allah while eating meals, the devil says, "You have found the place to rest and meals to eat.' ' "(Muslim)**

**Abu Malik Al-Asha'ri reported that the Prophet, peace be upon him, said, "When a man enters his house he should say, 'O Allah, I seek of You the best of entrance and the best of departure. In the name of Allah we enter and in the name of Allah we go out, and we put our trust in Allah, our Lord,' and then he should greet his family." (Abu Daw'ud)**

**Anas reported that the Prophet, peace be upon him, said to him, "O son, when you enter your house say, 'As-Salamu Alaykum (peace be upon you).' It will bring blessing to you and to your family." (Tirmizhi)**

## Fiqh 4.125 a: On Seeing Something Pleasing About One's Own Property

**On seeing something good and pleasing concerning one's family or property one should say, "Allah's will be done! There is no power or strength except with Allah." (Reported by Ibn As-Sinni) And on seeing in them something unpleasant, he should say, "Praise and thanks be to Allah under all circumstances." Allah says in the Qur'an (18.39), "Why did you not say, as you went into your garden, 'Allah's Will be done! There is no power but with Allah!"'**

**Anas reported, "The Prophet, peace be upon him, said, 'If for every blessing bestowed by Allah upon his servant in his family or property the servant says, "Allah's will be done! There is no power but with Allah," he will witness no misfortune concerning them except that of death'." (Reported by Ibn As-Sinni)**

**It is reported that the Prophet, peace be upon him, on seeing something good and pleasing used to say, "Praise be to Allah with Whose blessings all good deeds are perfected." And when he saw something that displeased him, he would say, "Praise and thanks be to Allah under all circumstances." (Reported by Ibn Majah. Al-Hakim said, -The chain of this hadith is sound and its narrators are trustworthy)**

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### Fiqh 4.126: On Looking into a Mirror

'Ali reported that when the Prophet, peace be upon him, looked into a mirror he would say, "Praise and thanks be to Allah. O Allah, make me good mannered as You made me good looking." (Reported by Ibn As-Sinni) Anas reported that whenever the Prophet, peace be upon him, looked at his face in the mirror, he would say, "Praise be to Allah Who fashioned my nature and gave it a perfect form, and Who honored my face and made it good, and made me one of the Muslims."

### Fiqh 4.126 a: On Seeing Someone in Distress

Abu Hurairah reported that the Prophet, peace be upon him, said: "If one sees an afflicted person and says, 'Praise and thanks be to Allah Who has saved me from what he has afflicted you with, and has honored me over many of His creatures,' he will be saved from that affliction." (Reported by Tirmizhi, who considers it sound)

An-Nawawi states that the scholars said, "One should say the above mentioned supplication inaudibly so that the afflicted person should not hear it, lest he should be grieved by it. But if the affliction is the result of his sinful conduct then there is no harm in his listening if he is not heedful of evil."

### Fiqh 4.127: On Hearing the Sound of a Cock, a Donkey, and a Dog

Abu Hurairah reported that the Prophet, peace be upon him, said, -Seek refuge with Allah against the devil when you hear the sound of a donkey, for it sees the devil, and when you hear a cock, pray to Allah for His bounty, for it sees an angel.' (Bukhan and Muslim)

Abu Daw'ud's version reads, "When you hear the barking of dogs and braying of donkeys during the night seek the refuge of Allah from them, for they see what you don't."

### Fiqh 4.127 a: When the Wind Blows

Abu Hurairah reported, "I heard the Prophet, peace be upon him, saying, "The wind is a blessing from Allah. It brings mercy as well as punishment. So when you see it do not abuse it, and ask Allah for its good, and seek refuge with Allah against its evil'." (Reported by Abu Daw'ud with a sound chain of narrators)

'Aishah reported that whenever the wind blew, the Prophet, peace be upon him, would supplicate, "O Allah, I ask You for its good, and the good that is in it, and the good of what it is sent with, and I seek Your refuge against its evil, and the evil it is sent with." (Muslim)

### Fiqh 4.127 b: On Hearing Thunder

Ibn 'Umar reported that whenever the Prophet, peace be upon him, heard the sound of thunder or lightning he would say, "O Allah, do not destroy us with Your wrath nor let us perish with Your punishment, and save us before it comes to pass." (Reported by Tirmizhi, by its chain of authorities is weak)

### Fiqh 4.127 c: On Seeing the Moon

'Abdallah b.'Umar reported that when the Prophet, peace be upon him, saw moon he would say, "Allah is the Greatest! O Allah, make it shine upon us in peace, faith, security, safety, and with the power to do what You love and are pleased with! O moon! Your Lord and our Lord is Allah." (At-Tabarani)

Qatadah reported that when the Prophet, peace be upon him, saw the moon, he would say, "You are the new moon of goodness and guidance, the new moon of goodness and guidance. I believe in Allah

Who created you." He said this three times. And then he would add, "Praise be to Allah Who caused such and such month to go by in this manner and brought another month (which he named)." This is reported by Abu Daw 'ud.

## Fiqh 4.128: Supplications of Sorrow and Grief

Ibn 'Abbas reported, "The Prophet, peace be upon him, at times of sorrow and grief used to supplicate, La iliha illa Allah Al-'Azim, Al-'Alim, la ilaha illa Allah, Rabbul 'arshil 'Azim, la ilaha illa Allahu, Rabbus-Samawati wa rabbul ardi wa rabbul 'arshi karim (There is no god but Allah, the Mighty, the Forbearing, there is no god but Allah, the Lord of the mighty throne, there is no god but Allah, the Lord of the heavens and the earth, and the Lord of the throne of honor)'." This is reported by Bukhari and Muslim.

Anas said that when the Prophet, peace be upon him, was faced with a serious difficulty, he would always supplicate, "Ya Hayyu, ya Qayyumu, bi-rahmatika astaghithu (O the Living, O the Eternal, I seek help in Your grace). (Tirmizhi)

Abu Hurairah reported that whenever the Prophet, peace be upon him, was faced with a serious difficulty, he would raise his head to the sky and supplicate, "Subhan-Allah al-'Azim (glory be to Allah, the Mighty)." And when he implored seriously and strongly, he would say "Ya Hayyu, Ya Qayyum (O the Living, the Eternal One)." (Tirmizhi)

Abu Bakrah reported that the Prophet, peace be upon him, said, "The supplications of distress are, 'Allahumma rahmataka arju, fala takilni ila nafsi tarfata 'ain, wa aslah li sha'ni kullahu, la ilaha illa anta (O Allah, I hope for Your mercy, so give me not over to my self even for as little as wink of an eye, and set right all my affairs, there is no god but You)." (Abu Daw'ud)

Asma, daughter of 'Amais, reported that the Prophet, peace be upon him, asked her, "Shall I tell you words that you may say in times of pain or distress. These are, 'Allah, Allah, Rabbi la ushriku bihi shai'an (Allah, Allah, my Lord, I associate none with Him)." Another narration says that these words should be said seven times. (Abu Daw'ud)

Sa'd ibn Waqas reported that the Prophet, peace be upon him, said, "The supplication made by the Companion of the Fish (Prophet Yunus) in the belly of the fish was, 'La ilaha illa anta, subhanaka, inni kuntu minaz-zalimin (there is no god but You, You are far exalted and above all weaknesses, and I was indeed the wrongdoer)'.

If any Muslim supplicates in these words, his supplication will be accepted." In another report we read, "I know words that will cause Allah to remove one's distress. These are the words (of supplication) of my brother Yunus, peace be upon him,'' (Tirmizhi)

Ibn Mas'ud reported that the Prophet, peace be upon him, said, "If any servant of Allah afflicted with distress or grief makes this supplication, his supplication will be accepted: 'O Allah, I am Your servant, son of Your servant, son of your maidservant. My forehead is in Your hand. Your command conceming me prevails, and Your decision concerning me is just. I call upon You by every one of the beautiful names by which You have described Yourself, or which You have revealed in Your book, or have taught anyone of Your creatures, or which You have chosen to keep in the knowledge of the unseen with You, to make the Qur'an the delight of my heart, the light of my breast, and remover of my griefs, sorrows, and afflictions'." A supplication in these words will be answered. Allah will remove one's affliction and replace it with joy and happiness. (Reported by Ahmad and Ibn Hibban)

## Fiqh 4.130: On Encountering the Enemy, and When One is Afraid of the Ruler

Abu Musa narrated that when the Prophet, peace be upon him, feared a people, he used to supplicate against them in these words, "O Allah, we request you to kill them and we seek Your protection against their evil.' (Abu Daw'ud and Nasa'i)

Ibn As-Sinni reported that in a battle the Prophet, peace be upon him, supplicated, "O Master of the Day of Judgment, I worship You alone, and seek only Your help." Anas remarked, "I saw the angels fighting against his enemies and defeating them left and right."

It is also reported from Ibn 'Umar that the Prophet, peace be upon him, said, "When you are afraid of a ruler or someone else, you should say, 'There is no god but Allah, the Forbearing, the Gracious. Glory be to Allah, my Lord, glory be to Allah, the Lord of the seven heavens and of the mighty throne. There is no god but You, strong is your protection, and great is Your praise'."

Ibn 'Abbas said, "Hasbuna-Allah wa ni'am alwakil (Allah suffices us for everything and He is the most excellent guardian)," and then he added, "These words were uttered by the Prophet Ibrahim, peace be upon him, when he was thrown into the fire, and the Prophet Muhammad, peace be upon him, said these words when the people informed him, 'The people have gathered against you'." (Bukhari)

'Awf b. Malik reported that the Prophet, peace be upon him, judged the case of two men. The one who lost the case, turning away to go, said, "Allah is sufficient for us, and He is the best guardian." The Prophet, peace be upon him, said to him, "Allah disapproves of weakness and impotence. You must put in effort and work, but if you are overwhelmed by a difficulty then say, 'Allah is sufficient for me, and he is the most excellent guardian'."

## Fiqh 4.131: When One is Confronted with a Difficult Situation

Anas reported that the Prophet, peace be upon him, used to supplicate, "O Allah, there is no ease except what You make easy, and you alone can turn a difficulty into ease." (Ibn As-sinni)

## Fiqh 4.131 a: When One is Destitute

Ibn 'Umar reported that the Prophet, peace be upon him, said, "When you leave your house and are afflicted with hardship, why don't you pray, 'In the name of Allah respecting myself, my property, and my din. O Allah, cause me to be satisfied and pleased with Your decree, and bless me in whatis decreed for me, so that I will not want to hasten what You have delayed, nor to delay what You have hastened'." (Ibn As-Sinni)

## Fiqh 4.131 b: When One is in Debt

'Ali related that a slave, who had agreed on terms of his freedom with his master, came to him and said, "I cannot pay my master as I agreed in the terms of freedom, so help me." 'Ali said to him, "Let me teach you the supplication that the Prophet, peace be upon him, taught me. If you say it, Allah will cause your debt to be paid even if it be as great as a mountain. Say, 'O Allah, make Your lawful bounties sufficient for me so as to save me from what is unlawful, and from Your grace grant me sufficient abundance to make me free from the need of all except You'." (Reported by Tirmizhi, who considers it sound)

Abu Sa'id al-Khudri reported, "One day the Prophet, peace beupon him, entered the mosque. He saw there a man from the Ansar called Abu Umamah. He asked, 'What is the matter with you that I see you sitting in the mosque when it is not the time of prayer.' He replied, 'I am very much worried and in great debt, O Messenger of Allah!' The Prophet said, 'Let me teach you words to say so that Allah will remove your worries and settle your debt?' He exclaimed, 'Of course, O, Messenger of Allah.' The Prophet said, 'Say in morning and evening, "O Allah, I seek refuge in You from all worry and grief. I seek refuge in You from incapacity and slackness. I seek refuge in You from cowardice and niggardliness, and I seek refuge in You from being overcome by debt and being subjected to men".' The man said, 'When I did that, Allah removed all my worries and settled my debt'." (Abu Daw'ud)

## Fiqh 4.132: When One is Faced with Something Difficult or Unpleasant

Abu Hurairah related that the Prophet, peace be upon him, said, "When one of you is afflicted with any

misfortune he should say, 'Ina li llahi wa inna 'ilayhi Raji'un (We are for Allah, and to Him is our return),' even if it be merely losing one's shoe straps, for this is also a misfortune." (Ibn As-Sinni)

Abu Hurairah reported that the Prophet, peace be upon him, said, "A strong believer is better and dearer to Allah than a weak believer, and there is good in everyone, but cherish what gives you benefit in the Hereafter and seek help from Allah and do not lose heart, and if anything (in the form of trouble) comes to you, don't say, 'If I had not done that, such and such thing would not have happened,' but say, 'Allah has ordained it so, and whatever He pleases He does,' because 'ifs' and 'buts' open the door for Satan."(Muslim)

### Fiqh 4.132 a: What to Say When One is Struck by Doubt

Abu Hurairah reported that Allah's Messenger, peace be upon him, said, "Satan comes to you and says, 'Who created so-and-so, until finally he says, 'Who created your Lord?' So, when he inspires such a doubt, one should seek refuge with Allah and give up such thoughts." (Bukhari and Muslim)

Another sahih hadith reports that the Prophet, peace be upon him, said, "The people will continue raising questions until they ask, 'Allah created the creation, but who created Allah?' So whoever is faced with such a situation should say, 'I believe in Allah and His messengers'."

### Fiqh 4.133: When One is Angry

Sulaiman b. Sard said, "I was sitting with the Prophet, peace be upon him, when two men abused each other and one of them became so angry that his face became swollen and changed. The Prophet, peace be upon him, said, 'I know a word that that will cause him to relax, and this is, "I seek refuge with Allah from Satan, the accursed." (If he said these words) his anger will cool down.' (Muslim aud Bukhari)

### Fiqh 4.133 a: Some Comprehensive Supplications

'Aishah says that the Prophet, peace be upon him, loved the short but comprehensive, meaningful supplications, more than others. We give below some of these supplications, which are a must for every believer.

Anas reported that the Prophet, peace be upon him, frequently prayed, "O Allah, give us all the good of this world, and the good of the life hereafter, and save us from the punishment of the fire."

The Prophet, peace be upon him, visited one of the Muslims who had become as feeble as a chicken, and inquired about his health. Allah's Messenger, peace be him, asked, "Did you supplicate Allah for anything or beg Him for it?" He replied, "Yes, I asked in these words, 'O, God punish me in this world with the punishment that You are going to inflict on me in the Hereafter'." Allah's Messenger, peace be upon him, remarked, "Hallowed be Allah! You have neither the power nor the forbearance to take upon yourself the burden of Allah's punishment. Why did you not say this, 'O Allah, grant us all the good of the world, and all the good of the Hereafter, and save us from the torment of the fire?"' Then the Prophet, peace be upon him, made this supplication for him and he was all right. (Muslim)

Sa'd ibn Abu Waqqas heard his son praying, "O Allah, I ask You for Paradise and its blessings and its pleasure, and for such-and-such, and such-and-such. I seek refuge in You from Hell, from its chains, from its collars, and from such-and-such, and from such-and-such." At this Sa'd said, "You have asked Allah for a lot of good, and sought His refuge from a lot of evil. I heard Allah's Messenger, peace be upon him, saying, 'There will be people who will exaggerate in supplication. For you it is sufficient to say, "O Allah, I seek from You all the good, whether I know it or I do not know it, and I seek Your refuge from all the evil, whether I know it or I do not know it.' (Ahmad and Nasa'i)

'Abdallah ibn 'Abbas reported that the Prophet, peace be upon him, prayed to Allah, "My Lord, help me and do not turn against me. Grant me victory, and do not grant victory over me. Plan on my behalf and do not plan against me. Guide me, and make the guidance easy for me. Grant me victory over those

who act wrongfully toward me. O Allah, make me grateful to You, mindful of You, in awe of You, devoted to your obedience, humble, penitent, and ever turning to You in repentance. My Lord, accept my repentance, wash away my sins, answer my supplication, clearly establish my evidence, guide my heart, make my tongue true, and draw out malice from my breast."

Zaid ibn Arqam said, "I am not going to say anything except what Allah's Messenger, may peace be upon him, used to say. He used to supplicate, 'O Allah, I seek refuge in You from incapacity, from sloth, from cowardice, from miserliness, from old age, and from the torment of the grave. O Allah, grant my soul righteousness, and purify it, for You are the Best Purifier. You are the Protecting friend, and Guardian. O Allah, I seek refuge in You from the knowledge that does not benefit, from a heart that does not fear You, from a soul that is uncontented, and from supplication to which You do not respond." (Muslim)

The Prophet, peace be upon him, exclaimed to his Companions, "O people, would you like to be serious in your supplications?" They replied, "Yes, O Allah's Messenger." He said, "Then ask Him, 'O Allah, help us in remembring You, in offering thanks to You, and in worshipping You properly'.' (Al-Hakim)

Ahmad reports that the Prophet, peace be upon him, advised: "Recite frequently, "Ya zha al-jalali w al-ikram (O, Possessor of Majesty and sublimity)"'.

The Prophet, peace be upon him, also used to say, "O Controller of the Hearts, make my heart firm in Your faith. The balance is in the hands of the Beneficent, the Exalted, the Mighty, and He honors some and brings others low thereby. (Ahmad)

Ibn 'Umar reported that the Prophet, peace be upon him, used to supplicate, "O Allah, I seek refuge in You against deprivation of Your bounties, against loosing Your security, against the suddenness of Your wrath, and against everything that might cause Your anger."

The Prophet, peace be upon him, used to say, "O Allah, benefit me with what You have taught me, and teach me what is beneficial for me, and increase me in knowledge. Thanks be to Allah under all circumstances, and I seek Allah's refuge from the plight of the people of the fire.' (At-Tirmizhi)

When (his daughter) Fatimah came to the Prophet, peace be upon him, asking him to give her a servant, he said, "Say, 'O Allah, the Lord of the seven heavens, and the magnificent throne, our Lord and the Lord of all things, the Revealer of the Torah, Injil, and the Qur'an, The Splitter and Grower of the seed grain and date stone, I seek Your refuge against the evil of all things that You hold under Your control. You are the First, there is nothing before You. You are the Last, and there is nothing after You. You are the Manifest and there is nothing above You, You are Innermost and there is nothing beyond You. Remove the burden of debt from us and relieve us from want'.' (Muslim)

The Prophet, peace be upon him, also used to supplicate, "O Allah, I beseech You for guidance, virtuousness, chastity, and detachment from the world."

'Abdallah Ibn 'Umar reported that the Prophet, peace be upon him, seldom left an assembly without using these supplications for his Companions: "O Allah, apportion to us the fear of You that will stand between us and acts of disobedience to You, and the obedience to You that will bring us to Your Paradise, and the certainty sufficient for You to make the calamities of this world easy for us. Grant us enjoyment of our hearing, our sight, and our power as long as You grant us life, and do the same for those who inherit from us. Grant us victory over those who have wronged us and help us against those who are hostile to us. Let no calamity befall our din, do not let worldly affairs become our greatest concern or all that we know about, and do not let those rule over us who do not show us mercy." (Reported by Tirmizhi, who considers it a sound hadith)

## Fiqh 4.136: Invoking Blessings on the Prophet

Allah says, "Allah and His angels send blessings to the Prophet, O you who believe! Send blessings to

him, and salute him with all respect."

## Fiqh 4.136 a: What is Meant by Invoking Blessings on the Prophet?

Abual-'Aliyah said, "Allah's sending blessings to the Prophet, peace be upon him, means that He praises him in front of the angels, and the blessings of angels mean their supplications invoking blessings on the Prophet.' (Bukhari) Sufian Al-Thawri and other scholars said, "Blessings of the Lord mean His mercy, and the blessings of the angels refer to their supplications and seeking forgiveness." (Tirmizhi) Commenting on the Qur'anic verse 33.56, Ibn Kathir said, "In this verse Allah, the Exalted, informed His servants about the revered status that His Prophet and servant occupies with Him in the higher assembly. He revealed that He praises him in the company of the angels close to Him, and that the angels pray for him, and that He has commanded the inhabitants of the lower world to send their salutations and greetings to the Prophet, so that the lower and the higher worlds would join together in his praise. On this subject there are many hadith. Some of these are given below:

Abdullah bin Amr bin Al-'As reported that he heard the Prophet, peace be upon him, saying, "If anyone invokes blessings upon me once, Allah will bestow blessings upon him ten times over." (Muslim)

Ibn Mas'ud reported that the Prophet, peace be upon him, said, "The people nearest to me on the Day of Judgment will be the ones most conscientious in invoking blessings upon me." Tirmizhi reported this hadith, and he considers it a sound hadith. The words "nearest to me" here mean the ones most deserving of the Prophet's intercession and nearest to him in station.

Abu Hurairah reported that the Prophet, peace be upon him, said, "Do not turn my grave into a site of festivities, but send greetings to me for your greetings are raised to me wherever you might be." (Reported by Abu Daw'ud with a sound chain of authorities)

Aus reported that the Prophet, peace be upon him, said, "The best of your days is Friday, so send more and more greetings to me on it, for your greetings are presented to me." They asked, "How are our greetings presented to you while you are dead and your body is turned into dust?" He replied, "Allah has forbidden the earth to consume the bodies of the prophets." (Abu Daw'ud and Nasa'i)

Abu Hurairah reported that the Prophet, peace be upon him, said, "When any Muslim sends greetings to me, Allah returns my soul to me so that I may respond to his greetings." (Reported by Abu Daw'ud with a sound chain of authorities)

Ahmad recorded that Abu Talha Al Ansari said, "The Prophet, peace be upon him, woke up one day cheerful and beaming. His companions exclaimed, 'O Prophet of Allah, you woke up today cheerful and beaming.' He replied, 'Yes! A messenger of Allah, the Mighty and the Glorified, came to me and said, "If anyone from your ummah sends you a salutation, Allah will record for him ten good deeds, wipe off ten of his sins, and raise him thereby ten degrees in rank, and He will return his salutation with a similar salutation".' Ibn Kathir considers this a sound hadith.

Abu Hurairah reported that the Prophet, peace be upon him, said, "Whoever desires to be given (his reward) in full measure, should send salutations to us - the members of my family - and should say, 'O Allah, shower blessings upon Muhammad, the Prophet, his wives, the mothers of the believers, his descendants, and the members of his family, as you showered blessings upon the family of Ibrahim. You are the Praiseworthy and Glorious." (Related by Abu Daw'ud and Nasa'i)

Abu ibn Ka'ab said, "When two-thirds of the night had passed, the Prophet, peace be upon him, would get up and say, 'O people, remember Allah, remember Allah. The great commotion has come, followed by more commotions. Death has come with all that it has in store. Death has come with all that it has in store.' I said, 'O messenger of Allah, I invoke blessings to you a great deal. How much of my prayer should I reserve for invoking [such] blessings upon you?' The Prophet replied, 'Whatever you want.' I asked, 'A quarter of it?' He said, 'Whatever you wish. If you increase it, that would be better for you.' I asked, 'Half of it?' He repeated, 'Whatever you wish, but if you increase it, that would be better for

you.' I asked, 'Two-thirds of it?' He said, 'Whatever you wish. If you increase it, that would be better for you.' I said, 'I devote my whole prayer to invoking blessings on you (i.e. I pray for you wherever I am).' He concluded, 'Thus will you be relieved of your anxiety, and your sins forgiven'." (Related by Tirmizhi)

### Fiqh 4.138: Sending Salutations to the Prophet on Hearing His Name. Is this Obligatory?

Some Muslim scholars hold that it is obligatory to send salutations to the Prophet, i.e. invoke blessings upon him, each time one hears his name mentioned. They, like Al-Tahawi and Al-Halimi, base their argument on a hadith recorded by Tirmizhi, which he grades as sound, from Abu Hurairah, that the Prophet, peace be upon him, said, "May the nose of the person in whose presence I am mentioned be covered with dirt if he does not invoke blessings upon me. And let the nose of that person be smeared with dust who finds the month of Ramadan but lets it come to an end without securing pardon for himself. And may the nose of the person be smeared wlth dust whose aged parents, both of them or one of them, are still living, and who fails them (i.e. by serving them) to enter Paradise." (Related by Tirmizhi, who said it is an authentic hadith)

In a report related by Abu Zharr we read, "the Prophet, peace be upon him, said, 'The most miserly among people is the one who fails to invoke blessings upon me when my name is mentioned in his or her presence'."

Other scholars are of the opinion that invoking Allah's blessings upon the Prophet, peace be upon him, only once while in a gathering is obligatory. After that it is no longer necessary, though it is preferred to do so. This is based on a hadith from Abu Hurairah that the Prophet, peace be upon him, said, "If some people sitting together in an assembly do not remember Allah in it, nor invoke Allah's blessings upon His Prophet, peace be upon him, they will be sorry on the Day of Judgment. Allah may either punish them or forgive them." (Tirmizhi)

### Fiqh 4.139: Invoking Allah's Blessings Upon the Prophet when Writing his Name

The scholars hold it desirable to invoke Allah's blessings upon the Prophet, peace be upon him, each time one writes his name. But this is not mentioned in any hadith, so none can be used to support this view. Al Khatib al-Baghdadi said, "I saw the handwriting of Imam Ahmad Ibn Hanbal and I found that often he wrote the name of the Prophet, peace be upon him, without invoking Allah's blessings upon him." Then he added, "It has come to my knowledge that he used to invoke Allah's blessings upon the Prophet verbally."

An-Nawawi said, "When invoking Allah's blessings upon the Prophet, peace be upon him, we should combine prayers for peace and blessings upon him (by saying Salalahu 'alaihi was sallam), and should not confine it to one of these saying either Sallahu 'alaihi (May Allah shower His blessings upon him) or 'Alaihi as-salaam (peace be upon him)'."

### Fiqh 4.139 a: Invoking Blessings Upon the Prophets

It is preferred to invoke Allah's blessings upon the Prophets and angels separately. As to others than the Prophets, there is consensus among scholars that Allah's blessings may be invoked for them along with others (but not separately). The statement of the Prophet, peace be upon him, has been cited above, "O Allah invoke blessings on Muhammad, the Prophet, and his wives, the mothers of the believers ..." It is disliked, however, to invoke blessings for them on their own. For instance, one should not say, "Umar, may Allah shower His blessings upon him."

### Fiqh 4.139 b: How to Invoke Blessings and Peace Upon the Prophet

Abu Mas'ud Al-Ansari reported the following account from Bashir ibn Sa'd: "I asked Prophet, peace be upon him, 'O Messenger of Allah, Allah has commanded us to invoke blessings upon you. How should we do it?' The Messenger of Allah, peace be upon him, remained silent until we wished we had not

**asked him. Then he told us to say,**

**'Allahumma salli 'ala muhammadin wa 'ala ali muhammadin kama sallayta 'ala ali ibrahima wa barik 'ala muhammadin wa 'ala ali muhammadin kama barakta 'ala ibrahima wa 'ala ali ibrahima fil 'alamin, innaka hammidum majeed (O Allah, bless Muhammad and the family of Muhammad as You blessed the family of Ibrahim, and give baraka to Muhammad and the family of Muhammad as You gave baraka to the family of Ibrahim, in all the worlds. You are worthy of Praise and Glorious), and then he told us to give the taslim as you have learned it." (Muslim)**

**Abdullah ibn Mas'ud said, "When you invoke blessings upon the Prophet do it in the best manner, because you don't know whether or not your blessings may be presented to him. The Companions asked him to teach them how to do it. He replied, ' Say, "Allahumma 'ij'al salawataka wa rahmataka wa barakataka 'ala sayyidil mursalin, wa imamal mutaqadimin wa khatimin nahiyyin muhammadin 'abduka wa rasuluka imamal khair wa qaidil khair wa rasulir rahmati. Allahumma b'athu maqaman yaghbatuhu bihil awalun. Allahumma salli 'ala muhammadin wa 'ala ali muhammadin kama sallaita 'ala ibrahima wa ali ibrahima innaka hamidum majeed . Allahumma barik 'ala muhammadin wa 'ala ali muhammadin kama barakta 'ala ibrahima wa 'ala ali ibrahima innak hamidum majeed (O Allah, shower Your blessings, mercy, and favors on the Chief of the Messengers, and the Chief of the Foremost, the Seal of the Prophets, Muhammad, Your servant and Your Messenger, the leader of the virtuous, the chief of the virtuous, the Messenger of Mercy, grant him a station that is the happy goal of the most excellent, O Allah, bless Muhammad and his family as You blessed Ibrahim and the family of Ibrahim. You are indeed Praiseworthy and Glorious. O Allah, give baraka to Muhammad and his family as you gave baraka to Ibrahim and his family, You are indeed Praiseworthy and Glorious"'." (Ibn Majah)**

### Fiqh 4.140: Going on a Journey

**Abu Hurairah reported that the Prophet, peace be upon him, said, "Travel and be sound in health, and fight (in the cause of Allah) and be enriched." (Ahmad. Almanawi considers this a sound hadith)**

### Fiqh 4.140 a: Leaving One's House for What is Dear to Allah

**Abu Hurairah reported that the Prophet, peace be upon him, said, "No one leaves his home without two banners waiting at his door, one of them in the hands of an angel and the other in the hands of a devil. If he intends to do what pleases Allah the angel will follow him with his standard, and he will remain under the banner of the angel until he returns to his house, but if he sets out for what displeases Allah the devil with his banner will follow him about, and he will remain under the devil's banner until he returns to his house." (Ahmad and At-Tabarani. Its chain of authorities is sound)**

### Fiqh 4.141: Consultation and Istikharah Before Setting out on a Journey

**Istikhara (Arabic) means to ask Allah to guide one to the right thing concerning any affair in one's life, especially when one has to choose between two permissible alternatives. A traveller should consult good righteous persons before setting out on a journey, because Allah says, "And consult them (O Prophet) in affairs (of moment)," (Qur'an 3.159) and one of the characteristics of the believers is that "they (conduct) their affairs by mutual consultation" (Qur'an 42.38).**

**Qatadah said, "Every people who seek the pleasure of Allah and consult with one another are guided to the best course in their affairs."**

**The traveller should also make istikharah and seek guidance from Allah. Sa' d ibn Waqas reported that the Prophet, peace be upon him, said, "Istikharah (seeking guidance from Allah) is one of the distinct favors (of Allah) upon man, and a good fortune for the son of Adam is to be pleased with the judgment of Allah. And a misfortune of the son of Adam is his failure to make istikharah (seeking Allah's guidance), and a misfortune for the son of Adam is his displeasure with the judgment of Allah." Ibn Taimiyyah said, "He who seeks guidance from the Creator and consults the creatures will never regret it."**

### Fiqh 4.141 a: How to make Istikharah

For this purpose one should pray two non-obligatory raka'at of prayer, even if they are of the regular sunnah prayers or a prayer for entering the mosque, and so on, during any time of the day or night. One should recite in them whatever one wishes of the Qur'an, after reciting al-Fatihah. Then one should praise Allah and invoke blessings upon the Prophet, peace be upon him. After this one should supplicate to Allah with the following supplication, which Jabir Ibn 'Abdullah has reported from the Prophet, peace be upon him, when he related, "The Prophet, peace be upon him, taught us how to make Istikharah in all (our) affairs, just as he taught us various surahs of the Qur'an. He told us, 'If anyone of you considers doing something he should offer a two-rak'at prayer other than the obligatory prayers, and then say (after the prayer), "Allahumma inni astakhiruka bi'ilmika. wa astaqdiruka bi-qudratika, wa as'aluka min fadlika al-azimfa-innaka taqdiru wala aqdiru, wa ta'lamu wala a ' lamu, wa anta 'allamu-l-ghuyub. Allahumma, in kunta ta' lamu anna hazhal-amra khairun lifi dini wa ma'ashi wa aqibati amri (or 'ajili amri wa'ajilihi) f aqdirhu li wa yas-sirhu li thumma barik li fihi, wa in kunta ta'llamu anna hazha-l-amra sharrun lifi dini wa ma'ashi wa-aqibati amri (orfi'ajili amri wa ajilihi) fasrifhu anni was-rifni'anhu. Wa aqdir li al-khaira haithu kana thumma ardini bihi (O Allah ! I ask guidance from Your knowledge, and Power from Your Might and I ask for Your great blessings. You are capable and I am not. You know and I do not and You know the unseen. O Allah! If You know that this thing is good for my din and my subsistence and for my Hereafter - (or say, If it is better for my present and later needs) - then ordain it for me and make it easy for me to obtain, and then bless me in it. If You know that this thing is harmful to me in my din and subsistence and in the Hereafter--(or say, If it is worse for my present and later needs)--then keep it away from me, and keep me away from it. And ordain for me whatever is good for me, and make me satisfied with it)."' The Prophet, may peace be upon him, added that then the person should mention his need."

There is nothing authentic concerning anything specific that is to be recited in the prayer nor is there any authentic report concerning how many times one should repeat it.

An-Nawawi holds that "after making istikharah, a person must do what he is wholeheartedly inclined to do and feels good about doing and should not insist on doing what he had desired to do before making the istikharah. And if his feelings change, he should leave what he had intended to do, for otherwise he is not leaving the choice to Allah, and would not be honest in seeking aid from Allah's power and knowledge. Sincerity in seeking Allah's choice, means that one should completely abandon what one desired oneself."

### Fiqh 4.142: Travelling on Thursday is Preferred

Bukhari reports that the Prophet, peace be upon him, seldom set out on a journey except on Thursday.

### Fiqh 4.142 a: Offering Two Raka'at Before the Journey

Al-Mut'am ibn al-Miqdam reported that the Prophet, peace be upon him, said, "No one leaves anything behind with his family better than the two raka'at of prayers that he offers with them while intending to go on a journey." (At-Tabarani and Ibn 'Asakir as a mursal hadith)

### Fiqh 4.142 b: It is Preferred to have Companions for the Journey

Ibn 'Umar reported that the Prophet, peace be upon him, forbade loneliness, i.e., that a man should sleep alone at night, or go on a journey alone. (Ahmad)

Umar ibn Shu'aib reported from his father and he from his grandfather that the Prophet, peace be upon him, said, "A single horseman (traveller) is a devil, two are two devils, but three are a caravan."

### Fiqh 4.143: Bidding Farewell to One's Relatives, Asking them for Prayers, and Praying for Them

Abu Hurairah reported that the Prophet, peace be upon him, said, "Anyone intending to go on a journey should say to those staying behind, 'I commend you to Allah Whose trusts are never lost'." (Ibn As-Sinni)

'Umar reported that the Prophet, peace be upon him, said, "When something is entrusted to the care of Allah, He guards it." (Ahmad)

It is reported from Abu Huraraih that the Prophet, peace be upon him, said, "When one of you intends to go on a journey, he should bid farewell to his brothers, for Allah will make their prayers a means of good."

It is sunnah that the members of the family, as well as the friends and those who see the traveller off should pray for him as in the following prayer transmitted from the Prophet.

Salim reported that when someone wanted to leave for a journey 'Ibn Umar would say to him, "Come over to me so that I may bid you farewell as the Prophet, peace upon him, used to bid us farewell," and that he used to say, "To Allah I commend your din (Islam), your trust (That is his family, those he leaves behind, and his property), and the conclusion of your deeds."'

In another report we read that when the Prophet, peace be upon him, bid farewell to a man he would hold his hand and would not leave it until the man himself dropped the Prophet' s hand. The rest of the hadith is similar to the one given above. Tirmizhi considers this a sound (hasan sahih) hadith.

Anas reported that a man came to the Prophet, peace be upon him, and said, "O Allah's Messenger, I intend to go on a journey, so please give me provision for the journey." The Prophet, peace be upon him, replied, "May Allah provide you with piety (taqwa)." The man said, "Give me some more provision." The Prophet, peace be upon him, said, "And may Allah forgive your sins." The man said, "Give me still more." The Prophet, peace be upon him, then replied, "And may Allah facilitate good for you wherever you may be." Tirmizhi considers this a sound hadith. (Reported by Abu Daw'ud and Tirmizhi, who considers it to be a sound, hasan sahih, hadith)

Abu Hurairah reported that a man said to the Prophet, peace be upon him, "O Allah's Messenger, I intend to proceed on a journey, so give me some advice." The Prophet, peace be upon him, said to him, "Fear Allah, the Mighty and the Exalted, and glorify Him on every elevated piece of ground." When the man turned away to go, the Prophet, peace be upon him, said, "O Allah, make the distance short for him, and make his journey easy for him." Tirmizhi considers this a sound hadith.

## Fiqh 4.144: Asking the Traveller "Pray for Us"

'Umar ibn al-Khattab reports, "I sought permission of the Prophet, peace be upon him, to perform 'umrah. He gave me permission and said, 'My brother, do not forget me in your prayers' ." 'Umar reported further, "This was a word more pleasing to me than the entire wealth of the world." (Reported by Abu Daw'ud and Tirmizhi, who holds it to be a sound hadith)

## Fiqh 4.144 a: Supplications for a Journey

It is preferred for a traveller to say when leaving home, "Bismillahi tawakaltu 'alallah wa la haula wala quwwata illa billah, Allahumma inni auzhu bika an adilla au udalla au azilla au uzalla au azlima au uzlama au aj-hala au yuj-hala 'alayya (In the name of Allah, I repose my trust in Allah, and there is neither power nor any might except with Allah. O Allah, I seek refuge with You from leading others astray or being led astray, causing others to slip or being caused to slip by others, or doing wrong or be wronged by others, or behaving foolishly or being treated foolishly by others)." The traveller may choose whatever he wants from the supplications reported from the Prophet, peace be upon him. Some of these supplications are given below.

Ibn ' Abbas reported that when the Prophet, peace be upon him, proceeded on journey, he would say,

"O Allah, You are the Companion in the journey, and the One Who looks after the family. O Allah, I seek refuge in You from worthless companions on the journey, and from finding harm when I return, O Allah, make the length of the journey short for us, and the journey easy for us." And when he returned he would say, "We are returning repentant, worshipping our Lord and praising Him." And when he went to his family he would say, "Repentant, repentant, we return to our Lord, the sin visits us not." (Reported by Ahmad, At-Tabarani, and Al-Bazar with a sound chain of authorities)

Abdullah ibn Sarjis reported that when Allah's Messenger, may peace be upon him, set forth on a journey, he would say, "O Allah, I seek refuge (with You) from the hardships of the journey and finding evil changes on my return, and disgrace after honor, and the curse of the oppressed, and a sad disarray in my property and family." And when he retumed he would use similar words, except that he would mention his family before his property, and would say "... a sad disarray in my family and property.' (Ahmad and Muslim)

## Fiqh 4.145: What a Traveller Should Say on Riding

'Ali ibn Rabi'a reported that a riding animal was brought for 'Ali to ride. When he put his foot in the stirrups he said, "In the name of Allah." When he was seated on it he said, "Glory to Him Who has subjected this (means of transportation) to our (use), for we could never have accomplished this (by ourselves). And to our Lord, surely, must we return." (Qur'an 43.13-14) Then he praised Allah three times, and glorified Him (i.e. said Allahu akbar), and then said, "Subhanaka la ilaha illa ant, qad zalamtu nafsi, faghfirli, innahu la yaghfiru zhunuba illa anta (Glory to You (O Allah), there is no god but You, I have indeed wronged my soul, so forgive me, verily none can forgive sins except You)." Then he laughed, whereupon I asked him, "Why did you laugh, O Chief of the Believers?" He replied, "I saw the Prophet, peace be upon him, doing as I did." At this I asked him, "Why did you laugh, O Allah's messenger?" He replied, "Our Lord is pleased when his servant says ' My Lord, forgive me, ' and He says, 'My servant knows that there is none to forgive sins except Me'." (Reported by Ahmad, Ibn Hibban, and Al-Hakim, who said it is sound according to the criterion of Muslim)

Al-Azdi recorded Abdullah Ibn 'Umar's narration that whenever Allah's Messenger, peace be upon him, mounted his camel to set out on a journey, he glorified Allah (uttered Allah-o-Akbar) three times, and then said, "Glory to Him Who has subjected these to our (use), for we could never have accomplished this (by ourselves). And to our Lord, surely, must we return. O Allah, we seek virtue and piety from You on this journey of ours, and actions that please You. O Allah, lighten this journey of ours, and make its distance easy for us. O Allah, You are (our) companion during the journey, and guardian of (our) family. O Allah, I seek refuge with You from the hardship of the journey, the gloominess of the sights, and from finding misfortunes in property and family on our return." And the Prophet, peace be upon him, uttered these words in addition, "We are returning repentant, worshipping our Lord and praising Him." (Ahmad and Muslim)

## Fiqh 4.146: What a Traveller Should Say at Nightfall

Abdullah ibn 'Umar reported that when the Prophet, peace be upon him, was travelling or fighting (in the cause of Allah) and night came on, he said, "O earth, my Lord and your Lord is Allah. I seek refuge in Allah from your evil, the evil of what you contain, the evil of what has been created in you, and the evil of what creeps upon you. I seek refuge in Allah from lions, from large black snakes, from other snakes, from scorpions, from the evil of jinn who inhabit settlements, and from a parent and his offspring.'' (Ahmad and Abu Daw'ud)

## Fiqh 4.146 a: What a Traveller Should Say on Stopping at a Place

Khaulah, daughter of Hakim As-Sallammiya, reported that the Prophet, peace be upon him, said, "If anyone stops at a place and then says, 'I seek refuge with all the perfect words of Allah from the evil of his creatures,' nothing will harm him until he departs from that place." (Reported by the Group except Bukhari and Abu Daw'ud)

## Fiqh 4.147: On Approaching a Village or Place

'Ata ibn Abi Marwan relates from his father that Ka'ab swore to him by Him Who split the sea for Prophet Moses, peace be upon him, that Suhaib informed him that whenever the Prophet, peace be upon him, saw a village that he wanted to enter, he always supplicated, "Allahumma rabbis samawati sab' i wa ma azlalna wa rabbul ardinas sab' i wa ma aqlalna wa rabbush sayatini wa ma adlalna wa rabbur riyyahi wa ma zaraina as'aluka khaira hazhihil qaryata wa khaira ahlaha wa khaira mafiha wa na'uzhu bika min sharriha wa sharri ahliha wa sharri mafiha (O Allah, Lord of the seven heavens and what they overshadow, Lord of the seven earths and what they carry, and Lord of the devils and those whom they mislead, and Lord of the winds and what they scatter about, I ask You of the good of this village, the good of its people and the good it has, and seek Your protection from its evil, and the evil of its people, and the evil in it)." (Reported by Nasa'i, Ibn Hibban, and Al-Hakim who considers this a sound hadith)

Ibn 'Umar reported, "We were with the Prophet, peace be upon him, on a journey. When he saw a town that he wanted to enter he would say, 'O Allah, bless us in it' three times, and then 'O Allah grant us sustenance from its fruits, and put our love in (the hearts of) its people, and put the love of its righteous people in our hearts'.'' (Reported by At-Tabarani in his Al-Awsar with a sound chain of authorities)

A'ishah reported that whenever the Prophet, peace be upon him, approached a place that he intended to enter he would say, 'O Allah I ask You of the good in it, and the good of what you have placed in it, and I seek Your refuge from its evil and the evil of what You have placed in it. O Allah, give us its fruits and protect us from its plagues, and put our love in the hearts of its people and put the love of its righteous people in our hearts.' (Reported by As-Sinni)

### Fiqh 4.147 a: What the Traveller Should say at Dawn

Abu Hurairah reported that during a journey when the day broke, the Prophet, peace be upon him, would say, "A listener has heard that we praise Allah for His favors upon us. Our Lord, accompany us and grant us Your favors. We seek protection of Allah from the Fire.' (Muslim)

### Fiqh 4.148: On Going Uphill, Downhill, or Returning

Jabir said, "We used to say Allahu akbar when we went up a high place, and subhanallah when we went down a valley." (Bukhari)

Ibn ' Umar reported that the Prophet, peace be upon him, returned from hajj (or 'umrah). When he approached a path high up in mountain or one that was difficult, he would back up three steps and say. "There is no god but Allah, He is One. He has no partners. To Him belongs all dominion and praise, and He has power over all things. We are returning repentant, worshipping, prostrating, praising our Lord. He kept His promise. And gave victory to His servant, and defeated all the confederates alone."

### Fiqh 4.148 a: On Boarding a Ship

Al-Hussain ibn Ali reported that the Prophet, peace be upon him, said, "The security for my community against drowning is to say, while boarding a ship (or a boat), 'Bismillahi majraiha wa mursaha inna rahhi laghafoor un raheem (Bukhari), wa ma qadarullaha haqa qadrihi, wal ardu jami'an qabadatuhu yaumal qiyyamati was samawatu matwiyyatun hi yameenihi subhanallahi 'amma yushrakun (Qur'an 11.41) (In the name of Allah, whether it move or be at rest! For my Lord is, be sure, Oft-Forgiving, Most merciful! No just estimate have they made of Allah, such as is due to Him, On the day of Judgment the whole of the earth will be but His handful, and the heavens will be rolled up in His right hand, Glory to Him! High is He above the partners they attribute to Him!)" This is reported by As-Sinni.

### Fiqh 4.149: Sailing in Rough Weather

It is not permissible to embark on a voyage when the sea is stormy and agitated. According to a hadith reported by Abu 'Umran al-Jawni some of the Companions told him that the Prophet, peace be upon

**him, said, "Anyone who sleeps on a house-top that has no fence, and then falls and dies, he forfeits the protection of Allah, and anyone who sails while the sea is rough, and then perishes, he forfeits the protection of Allah." (Reported by Ahmad with a sound chain of authorities)**

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**Volume 5**

## Fiqh 5.1: PILGRIMAGE: A GENERAL DEFINITION, ITS EXCELLENCE AND PREREQUISITES

Allah, the Exalted One, says: "The first House (of worship) appointed for men was that at Bakka; (Bakka is one of the names of Makkah) full of blessings and guidance for all kinds of beings: in it are signs manifest (for example), the station of Abraham-- whoever enters it attains security; pilgrimage thereto is a duty men owe to Allah--those who can afford the journey; but if any deny faith, Allah stands not in need of any of His creatures" (Qur'an 3.96-97).

### Fiqh 5.1 a: Definition of Hajj

The majority of the scholars hold that Hajj was prescribed in the sixth year after Hijrah (Migration of the Prophet (peace be upon him) from Makkah to Madinah) for it was then that the following verse concerning it was revealed: "And complete the Hajj and 'Umrah in the service of Allah" (Qur'an 2.194). This conclusion is based on the understanding that the "completion" in the above verse in fact refers to the time when it was first made obligatory. This view is also supported by 'Alqamah, Masrouq, and Ibrahim An-Nakh'i, who substitute "And establish" for "And complete" in the above verse, as reported by At-Tabarani on sound authority. Ibn-al-Qayyim, however, is inclined to the view that Hajj was made obligatory in the ninth or the tenth year of Hijrah.

### Fiqh 5.1 b: Excellence of Hajj

The Divine Law Giver exhorted Muslims to perform Hajj. In this regard we may refer to the following:

### Fiqh 5.1 c: Hajj - One of the Best Deeds

Abu Hurairah reported that the Prophet (peace be upon him) was once asked: "What is the best deed?" He replied: "To have faith in Allah and His Messenger." The enquirer asked: "What next?" The Prophet (peace be upon him) said: "To strive in the cause of Allah." "What is the next best thing?" He replied: "Hajj Mabrur (a faultless Hajj that is free of sin and is graced with Divine acceptance and pleasure)."

Al-Hasan said: "It means that a person after performance of Hajj should desire and be inclined to the life of the Hereafter rather than the material pleasures of this world." Another report transmitted on sound authority from the Prophet (peace be upon him) says that a righteous performance of Hajj is crowned by feeding the needy and speaking kind words to men.

## Fiqh 5.2: Hajj: A Form of Jihad

Al-Hasan ibn Ali says that a man came to the Prophet (peace be upon him) and said: "I am a coward and a weak person. Is there anything I can do?" The Prophet (peace be upon him) said: "You may go for a jihad (striving) that involves no fighting, that is, Hajj." This is reported by Abdur Razzaq and At-Tabarani, and all its narrators are trustworthy.

Abu Hurairah narrates that the Prophet (peace be upon him) said: "Hajj is the jihad for the old, the weak and the women." (This is reported by Nasa'i with a reliable chain of narrators)

'Aishah reports that she once said: "O Prophet of Allah! Jihad (striving or fighting in the cause of Allah) is the best deed. Should we (women) then, not actively participate in it?" The Prophet (peace be upon him) replied: "The best jihad for you is Hajj Mabrur." (Bukhari and Muslim)

In another report 'Aishah says: "I once asked the Prophet (peace be upon him): 'O Prophet of Allah! Should not we (women) strive and actively participate in the Islamic war with you?' The Prophet (peace be upon him) replied: 'The best and the most beautiful striving for you in the cause of Allah is Hajj

Mabrur."' (Bukhari and Muslim) 'Aishah commented: "After hearing this from the Prophet (peace be upon him) I shall never cease performing Hajj."

### Fiqh 5.2 a: Hajj Wipes Off Past Sins

Abu Hurairah reported that the Prophet (peace be upon him) said: "He who performs Hajj for Allah's pleasure and avoids all lewdness and sins will return after Hajj free from all sins as he was the day his mother gave birth to him." (Bukhari and Muslim)

'Amr ibn al-'As says: "When Allah guided me to Islam, I went to the Prophet (peace be upon him) and said to him: 'O Prophet of Allah! Stretch out your hand so that I may pledge my allegiance to you.' The Prophet (peace be upon him) stretched out his hand to me, but I withdrew my hand. The Prophet (peace be upon him) asked: 'O 'Amr! what is the matter with you?' I said: 'I would like to stipulate a condition! ' The Prophet (peace be upon him) asked: 'What is it?' I said: 'That all my past sins be forgiven!' The Prophet (peace be upon him) said: 'O 'Amr! Do you not know that Islam wipes off all past sins, and hijrah (leaving one's home and hearth for Allah's cause) wipes off all sins, and (similarly) Hajj wipes off all past sins!"' (Muslim)

Abdullah ibn Mas'ud narrated that the Prophet (peace be upon him) said: "Alternate between Hajj and 'Umrah (regularly), for these two remove poverty and sins just as the blacksmith's bellows removes all impurities from metals like iron, gold and silver. The reward for Hajj Mabrur is nothing short of Paradise." (Nasa'i and Tirmizhi, who regards it a sound hadith)

### Fiqh 5.3: Pilgrims are Allah's Guests

Abu Hurairah reported that the Prophet (peace be upon him) said: "Pilgrims and those performing 'Umrah are Allah's guests; their prayers are answered and their supplications for forgiveness are granted. This is reported by Nasa'i, Ibn Majah, Ibn Khuzaimah and Ibn Hibban in their collections of Sahih hadith. In the last two we read: "And Allah's guests are three: A pilgrim performing Hajj, one performing 'Umrah, and a person who fights in the cause of Allah."

### Fiqh 5.3 a: The Reward of Hajj is Paradise

Abu Hurairah says the Prophet (peace be upon him) said: "All sins committed in between the performance of one 'Umrah and another are expiated and erased, and the reward of Hajj Mabrur is nothing save Paradise." (Bukhari and Muslim)

In another sound hadith Ibn Joraij relates from Jabir that the Prophet (peace be upon him) said: "This House of Allah (the Ka'bah) is the pillar of Islam, so whosoever heads to it with the intention of performing Hajj or 'Umrah is under Allah's security. If he should die (during his trip) he is granted Paradise, and if he returns home safely, he returns with reward and gain."

### Fiqh 5.3 b: The Excellence of Spending in Hajj

Buraidah reports the Prophet (peace be upon him) as saying: "Spending during Hajj is akin to spending in the cause of Allah, and every dirham thus spent will be rewarded seven hundred times over.'' (Reported by Ibn Abi Shaibah, Ahmad, At-Tabarani and Al-Baihaqi)

### Fiqh 5.3 c: Hajj is Obligatory Only Once in Life

There is consensus among Muslim scholars that Hajj is obligatory only once during the lifetime of a Muslim, unless someone vows to perform extra Hajj, in which case he must fulfil his vow. Whatever is done over and above is supererogatory or optional.

Abu Hurairah narrates that once, in a sermon, the Prophet (peace be upon him) said: "O people! Allah

has prescribed Hajj for you, so you must perform it." A man asked: "Every year, O Prophet of Allah?" The Prophet (peace be upon him) remained silent. When the man repeated it thrice, the Prophet (peace be upon him) said: "Had I said 'yes', it would have become a yearly obligation, and this would have been beyond your power." Then he added: "Leave me alone so long as I leave you alone (i.e., do not pester me with questions about things which I omit and do not mention). Some people who lived before you were destroyed because they asked too many questions and disagreed with their Prophets. So when I command you to do something, you must obey and do it to the best of your power, and if I forbid you from something, then avoid it." (Bukhari and Muslim)

Ibn 'Abbas narrates that once the Prophet (peace be upon him) addressed us and said: "O People! Hajj has been prescribed for you." At this Al-Aqra' bin Habis stood up and asked: "O Prophet of Allah! Are we to perform Hajj every year?" The Prophet (peace be upon him) said: "Had I said 'yes', it would have become a (yearly) obligation, and had it become a (yearly) obligatory duty you would have failed to keep it. Hajj is obligatory only once in one's lifetime. Whatever one does over and above this is supererogatory (a voluntary act) for him. (Reported by Ahmad, Abu Daw' ud, Nasa' i and Al-Hakim, who regards it a sound hadith)

## Fiqh 5.4: Can the Performance of Hajj Be Deferred to a More Convenient Time or Must It Be Performed Immediately after One is Able to Do So?

Ash-Shafi'i, Ath-Thawri, Al-Awza'i and Mohammad bin al-Hasan are of the opinion that Hajj may be performed at any time during one's life, and there is nothing wrong if someone, for whom it is obligatory, delays it until a later date in his (or her) life, for, although Hajj was prescribed in the 6th year of Hijrah, the Prophet (peace be upon him) delayed it until the 10th year of Hijrah when he performed it along with his wives and many of his companions. Had performing it earlier been essential the Prophet (peace be upon him) would have never delayed it.

Ash-Shafi'i says: "We, therefore, are convinced that Hajj is obligatory upon a Muslim, male or female, from the age of puberty until before his death."

Abu Hanifah, Malik, Ahmad, some of Ash-Shafi'i's followers and Abu Yusuf are of the opinion that Hajj must be performed as soon as one is (physically and financially) in a position to do so. This opinion is based on a hadith that is related by Ibn 'Abbas that the Prophet (peace be upon him) said: "He who intends to perform Hajj let him do so expeditiously, for he may well fall sick, may lose his mount (ability to bear expenses of the jaurney) or he may be prevented by some other exigency.'' (Reported by Ahmad, Al-Baihaqi, At-Tahawi and Ibn Majah) In another report by Ahmad and Al-Baihaqi, we read that the Prophet (peace be upon him) said: "Hasten to perform Hajj - the basic obligation - for you don't know what might happen to you," meaning "one may fall sick or be prevented by some other exigency." The earlier scholars interpreted these ahadith saying it was commendable for a person to perform Hajj as soon as possible provided he had the ability to do so.

## Fiqh 5.5: Prerequisites for Hajj

There is a consensus among jurists concerning the prerequisites that must be found in a person for Hajj to be incumbent on him:

1 He must be a Muslim.

2 He must be an adult.

3 He must be of a sound state of mind.

4 He must be free.

5 He must have the necessary power and ability.

Anyone lacking any of these conditions is not obligated to perform Hajj. All these conditions, that is, being a Muslim, being of adult age and of sound mind, being free, and possessing the power to discharge a duty are equally valid with respect to all other forms of worship in Islam. This is based on a hadith of the Prophet (peace be upon him) which says: "Three persons are not to be held accountable: a sleeping person until he awakes, a minor until he comes of age, and a mentally disturbed person until he regains his reason."

Freedom is an essential prerequisite for Hajj, for this worship needs time as well as financial ability. A slave lacks both, for all his time is spent in the service of his master, and financially he lacks the ability to undertake this obligation. The Qur'an says: "Pilgrimage thereto is a duty men owe to Allah - those who can afford the journey" (3.97).

## Fiqh 5.7: THE ABILITY TO PERFORM HAJJ - WHAT DOES IT IMPLY?

The ability to perform Hajj, which is one of its essential conditions, includes the following:

1 A person must be healthy and physically fit. If one is disabled by old age or a disease that is incurable or is unable to perform Hajj for some other similar reason, he may, if he is financially capable, assign someone else to perform Hajj on his behalf and at his expense. This will be discussed later under "Hajj On Behalf of Another Person."

2 The journey to Hajj must be safe so that the pilgrim's life and possessions are safe and secure from any danger. If one is afraid for one's life from highwaymen or an epidemic or if one is afraid to be robbed of one' s possessions, then such a one is deemed as one of those who cannot afford the journey for Hajj .

There is, however, a difference of opinion among scholars regarding the entry fees and other charges levied on pilgrims. Can a person be excused and reckoned as unable financially to perform Hajj because of these charges? AshShafi'i and others are of the view that the presence of these levies does qualify a person to be classified as unable to perform Hajj, even though the levy involved may be paltry. The Maliki scholars disagree for they do not regard this as a sufficient reason for a person to be deemed as unable to perform Hajj, unless the amount involved is too exorbitant or is demanded repeatedly.

3 One must possess the necessary provision and also the requisite means of journey. Necessary provision here means that the intending pilgrim must have sufficient supplies for himself as well as for his family that he leaves behind. These supplies include sufficient and adequate clothing, housing, means of traveling, and tools for the pursuit of his trade or profession besides the financial means for the journey. (The person intending to perform Hajj should not sell his clothes, his personal belongings, or his house--even if they were abundant to get money for Hajj) Means of traveling imply that which enables him to go to Hajj and come back, whether it is by land, by sea, or by air. This concerns those who live far from Makkah and cannot walk there.

As for those who live in the vicinity of Makkah, this condition does not apply, for they are so close that they can go for Hajj on foot.

Some ahadith explain the Qur'anic words "those who can afford the journey," (Qur'an 3.97) as meaning provision of food and means of journey. Anas reports that the Prophet (peace be upon him) when once asked about the meaning of "those who can afford" said: "It means possessing means of sustenance and transportation." (Ad-Daraqutni considers this hadith sound) Al-Hafiz remarks: "Most probably its chain of transmitters is not traceable to the Prophet (peace be upon him). Tirmizhi as well has reported it on the authority of Ibn 'Umar but its chain of transmitters is weak. Abdul Haqq remarked: "All its chains of transmitters are weak." Ibn Al-Munzhir says: "It is not traceable to the Prophet (peace be upon him) and the correct position is that it is a sound but incompletely transmitted hadith whose chain of authorities does not go back to the Prophet (peace be upon him)."

Ali (may Allah be pleased with him) narrates that the Prophet (peace be upon him) once said: "He who

possesses sufficient provisions and means of journey for the performance of Hajj and yet does not do so, let him die the death of a Jew or a Christian." For Allah says in the Qur' an: "Pilgrimage thereto is a duty men owe to Allah - those who can afford the journey." (Transmitted by Tirmizhi, but among the narrators of this hadith are included "Halal" ibn Abdullah, who is unknown, and "Al-Harith" whom Ash-Sha'abi and others have described as a liar)

All these ahadith are weak in authority, yet most scholars regard provisions and means of journey as a necessary condition for Hajj. If a person has neither the necessary provisions nor means of travel, he is not obligated to perform Hajj.

Ibn Taimiyyah says: "These ahadith are musnad (A report which is traceable in uninterrupted ascending order of the narrators to its first authority) and have a sound chain of authorities, some are mursal (A hadith transmitted by a successor (atabi'), young or old, without mentioning the Companion who might have heard it from the Prophet directly. Ash-Shafi'i considers such a hadith weak, while Abu Hanifah and Malik consider it sound) and others are mauquf. (A hadith reported from a Companion through words or acts uninterruptedly or otherwise) They all prove that the ability to arrange one's provisions and possession of means of journey is a necessary prerequisite for Hajj, and this despite the fact that the Prophet (peace be upon him) knew that many of the people (in his time) were able to go for Hajj on foot.

Similarly the words of Allah: "Pilgrimage thereto is a duty men owe to Allah - those who can afford the journey" underline the fact that ability and power are the necessary prerequisite for all forms of worship. It signifies the unspecified power or a little bit more than what may be necessary. In the case of sawm (fasting) and salah (obligatory prayers) the financial ability is superfluous and is not specified in the Qur'an, unlike Hajj for which it is an important requirement. Similarly, Hajj is a form of worship which involves traveling for which one must be in possession of sufficient means to support oneself (and one' s family), as well as be able to shoulder the cost of the journey as in jihad.

In this regard we may refer to the Qur'anic verse (9.91-92) "Nor is there any blame on those who find no resources to spend, nor is there (blame) on those who come to you to be provided with mounts, and when you said, 'I can find no mounts for you,."'

In Al-Muhazhib we read: "If someone has the money to buy provisions and the passage to Hajj but he needs it to pay his debts, Hajj is not binding on him, whether the settlement of the debt is required immediately or is due after a time. The debts that are due for immediate settlement must be paid at once, whereas the Hajj may be performed later on in life. But if he spends all that he has on Hajj he may not be in a position to pay off his debt."

Similarly, if one is in need of a dwelling or a servant to help him, he may be classified as unable to perform Hajj. Likewise, if one needs to take a wife because he fears he may not be able to avoid evil, he must get married, for it is his immediate need. Furthermore, if one needs goods for his business to obtain requisite resources therefrom, such a one, according to Abul 'Abbas, Ibn Sarih, may be classified as unable to perform Hajj in view of his specific need. Al-Mughni says: "If the debt is owed to a wealthy person who does not demand immediate settlement of the loan, defers settlement to a later stage, and is ready to permit the debtor to proceed for Hajj, then such a debtor is (technically) able to perform Hajj. But in case the lender cannot afford to defer settlement of the loan, the debtor would be reckoned as unable to perform Hajj."

According to the Shafi'i school: "If someone offers another a free passage for Hajj, one is not obliged to accept the offer, for it is a favor and involves distress of being obliged to another person. If, however, such an offer is made by one' s son to perform Hajj, then one is obligated to do so, for one can perform it without being beholden to anyone else."

The Hanbali school is of the view that an offer of financial help by someone else does not obligate a person to perform Hajj, nor does this classify him as (financially) capable of performing it, whether the offer comes from a stranger or a relative and whether the offer provides means of travel and provision, or linanacial help as such.

5 There must also be no obstruction which may prevent people from undertaking the journey for Hajj, like fear of torture or imprisonment by a tyrannical ruler.

## Fiqh 5.9: Hajj of a Minor and a Slave

Though Hajj is not compulsory for these two groups it is quite valid if they perform one, but it will not suffice them as regards the Hajj prescribed in Islam.

Ibn 'Abbas reports: "The Prophet (peace be upon him) said: 'Any minor (child) who performs Hajj must perform it again after coming of age; any slave who performs Hajj and is then freed, must perform his Hajj again'." (Reported by At-Tabarani on sound authority) As-Sa'ib bin Yazid says: "My father performed Hajj with the Prophet (peace be upon him) who was performing his Farewell Hajj, while I was only seven years old." This was reported by Ahmad, Bukhari and Tirmizhi, who noted: "All scholars agree that if a minor performs Hajj, he must repeat his Hajj upon coming of age. Likewise a slave who performs Hajj, and thereafter gains his freedom, must also repeat his Hajj if he is in a position to do so."

It is also reported from Ibn 'Abbas that during a Hajj a woman lifted a boy, and asked the Prophet, "Will this boy be rewarded for Hajj?" The Prophet (peace be upon him) answered: "Yes, and you too will be rewarded." (The boy will be rewarded for his obedience, while the mother will be rewarded for helping and instructing him to perform Hajj. This hadith is also reported from 'Umar)

Jabir reports: "We performed Hajj with the Prophet (peace be upon him) and a number of women and children were with us. We said talbiyah on behalf of the children, and (also) threw pebbles on their behalf. This is narrated by Ahmad and Ibn Majah.

If a minor is able he may himself declare the state of ihram and perform the rites of Hajj. Otherwise, his guardian (An-Nawawi said: "The guardian who declares the state of ihram on behalf of a non-discerning minor, is the guardian of his properties, i.e., his father, grandfather, or the guardian appointed by law. Conceming the mother, the scholars differ. Some are of the opinion that her ihram on his behalf is only valid if she is appointed by law as his guardian. Others claim that her ihram is valid even if she is not the guardian) must declare the state of ihram and say talbiyah on his behalf, circumambulate round Ka'bah, run between Safa and Marwah, stay at 'Arafah and throw stones on his behalf. If, on the other hand, a minor attains the age of puberty on or before the Day of 'Arafah, his Hajj is then credited to him. The same applies to a slave who is liberated on or before the Day of 'Aratah. Malik and Ibn Al-Munzhir say: "To both of these people their Hajj cannot be credited as (replacement for) the obligatory Hajj, for they intended a supererogatory worship while putting on ihram; its supererogatory status cannot be transformed into an obligatory worship."

## Fiqh 5.12: A Woman Should Seek Her Husband's Permission for Hajj

It is desirable for a woman to seek her husband's permission for the prescribed Hajj. Then if he grants her the permission she may leave for Hajj; in case he refuses to give permission, she may still proceed for Hajj, for a husband should not forbid his wife from performing obligatory Hajj. It is an obligatory act of worship. It is unlawful to obey anyone in something that involves disobedience to Allah. A woman should perform obligatory Hajj as soon as possible, just as she should offer her prescribed daily prayers at their earliest prescribed times. In either case a husband has no right to prevent his wife from doing what is her obligatory duty. The same applies when a wife has vowed a Hajj, because it is obligatory like the prescribed Hajj. In the case of supererogatory Hajj, however, the husband may prevent his wife, and the wife must obey her husband. This is supported by a hadith reported by AdDaraqutni on the authority of Ibn 'Umar who narrated that while speaking about a wealthy lady whose husband had refused to give her permission to perform Hajj, the Prophet (peace be upon him) said: "She must not go for Hajj except by her husband's permission."

## Fiqh 5.12 a: He Who Dies Without Performing Obligatory Hajj

If a person dies before performing obligatory Hajj or if one vowed to perform Hajj but died before fulfilling one' s vow, his heir must assign someone to perform Hajj on behalf of the deceased. All the ensuing expenses in this regard must be paid out of the deceased's property, as indeed must be any debts left by him.

Ibn 'Abbas narrates that a woman from the tribe of Johainah came to the Prophet (peace be upon him) and said: "My mother had vowed to perform Hajj but she died before fulfilling her vow, should I perform Hajj on her behalf? The Prophet (peace be upon him) said: "Yes, perform Hajj on her behalf. Would you not pay off any debts your mother might have left behind upon her death? Pay off what you owe to Allah, for He is most deserving of settlement of His debt." (Bukhari)

This hadith underlines the obligation of performing Hajj on behalf of a deceased person, whether or not he leaves a will to this effect (it is a kind of debt for the deceased), and all debts left by the deceased must be settled, just as all other financial obligations such as zakah, an atonement or a vow transacted by the deceased has to be fulfilled.

Ibn 'Abbas, Zaid bin Thabit, Abu Hurairah, and Ash-Shafi'i hold this opinion. They consider that the expenses of the substitute (the hired person) must be paid out of the wealth of the deceased before dividing it up among his heirs.

In case the wealth is insufficient to cover both the cost of Hajj (by the substitute) and settlement of the deceased's debts, the expense of Hajj must be paid first, as the Prophet (peace be upon him) said: "Allah is most deserving that His debt be paid back."

Imam Malik says: "A person may perform Hajj on behalf of the deceased only if the deceased leaves a will to that effect. If the deceased leaves no such will, then a Hajj on his behalf may not be performed, for this worship involves, more than anything else, physical exertion and struggle and as such, no other person can replace or substitute another person. If a deceased makes a will regarding it, then Hajj may be performed, meeting all its cost from out of one third of the share of his heritage."

## Fiqh 5.13: Hajj On Behalf of Others

If someone has the ability to perform Hajj but afterwards he is unable to perform it due to sickness or old age, he must arrange for someone else to perform Hajj on his behalf, for he may never be able to do it himself. In this respect, such a person is very much like the deceased, hence the permission for him to choose his substitute in Hajj.

This is based on a hadith reported by Al-Fadl ibn 'Abbas, who says: "A woman of Khath'am said, 'O Prophet of Allah! Allah has prescribed Hajj for His servants. (Now that) I am grown up, I find that my father is an old man, and he cannot ride on the camel (for long). Should I perform Hajj on his behalf?' The Prophet (peace be upon him) said: 'Yes.'" This happened during the Farewell Hajj. (Reported by the Group) Tirmizhi considers it a sound hadith with a sound chain and adds: "On this topic, reports other than this hadith are also found; they are of sound authority, and the companions of the Prophet (peace be upon him) believed and practiced accordingly; they held that one may perform Hajj on behalf of a deceased person." At-Thawri, Ibn al-Mubarak, Ash-Shafi'i, Ahmad and Ishaq also hold a similar view.

Imam Malik says: "If the deceased leaves a will that someone perform a Hajj on his behalf, then it may be performed." Some scholars like Ibn Mubarak and Ash-Shafi'i say that it is permissible for an old man, who is unable to perform Hajj on his own, to arrange for a substitute to do it on his behalf.

The above hadith also lends support to the view that, both for a man or a woman, it is quite permissible to perform Hajj on behalf of another man or woman. There is nothing against this in the Qur'an or hadith.

## Fiqh 5.14: Position of a Sick Person Who Recovers

If a sick person recovers after someone has performed Hajj on his behalf, he will be considered as having performed his obligatory duty, and he will not be required to repeat it, for it would imply the obligation of performing two obligatory pilgrimages (rather than one). This is Imam Ahmad's view.

The majority of scholars are, however, of the view that such a substitutory Hajj will not suffice a man to absolve him of his obligation, for his recovery shows that his case was not really hopeless (and he should therefore repeat it), for the decisive factor in this respect is cessation of illness and restoration of his health.

Ibn Hazim is inclined to the first view. He says: "When the Prophet (peace be upon him) commanded to perform Hajj on behalf of those who are unable to walk or ride (i.e., cannot travel for Hajj), and told that this will pay off their debt to Allah, then indeed the debt is settled, and their effort accepted." And surely if an obligation is removed or fulfilled, there is no justification for its repetition, especially when there is nothing in the texts to support it. Had such a repetition been necessary, the Prophet (peace be upon him) must have clearly mentioned it, but as he did not, there is no reason for its repetition.

## Fiqh 5.14 a: Conditions for Performing Hajj on Behalf of Others

Before performing Hajj on behalf of someone else, a person must have performed his own Hajj . This is based on the hadith in which Ibn 'Abbas narrates that the Prophet (peace be upon him) heard a man saying: "O Allah! Here I am in response to Your call on behalf of Shabrumah." The Prophet (peace be upon him) asked him: "Have you performed your own Hajj?" He replied: " No", whereupon the Prophet (peace be upon him) told him: "You must perform Hajj on your own behalf first, and then tor Shabrumah." (Abu Daw'ud and Ibn Majah) Al-Baihaqi says: "Its chain of authorities is sound, and in this regard it is the most genuine report."

Most of the scholars hold that it is not proper for a person to perform Hajj on behalf of others prior to performing it on his own behalf, whether or not he is able or unable to do so.

## Fiqh 5.14 b: Hajj in Fulfillment of a Vow While Having to Perform Obligatory Hajj

According to the verdict of Ibn 'Abbas and 'Ikrimah if a person performs Hajj in fulfillment of a vow, while he has yet to perform the prescribed Hajj, then it should suffice him (and absolve him) trom both. 'Ata and Ibn 'Umar, on the other hand, hold that one must first perform the Hajj obligatory on him, and thereafter perform another Hajj to fulfil his vow.

## Fiqh 5.15: No Sarorah (Delaying) in Islam

Ibn 'Abbas reports: "The Prophet (peace be upon him) said: 'There is no Sarorah (delaying performance of obligatory Hajj) in Islam.'" (Ahmad and Abu Daw'ud)

Al-Khattabi remarks: "The word sarorah has two meanings:

1 a person who does not marry and leads a life of celibacy, like monastic Christians; or

2 someone who has not performed Hajj. In other words this means that no one able to perform Hajj should fail to do so, because in Islam there is no delaying of obligatory Hajj.

Some scholars refer to it as a proof that a person who has not performed Hajj is not allowed to perform Hajj on behalf of others. Al-Awza'i, Ash-Shafi'i. Ahmad and Ishaq hold this view. Malik and Ath-Thawri say: "Such a person's Hajj depends on his own intention." Al-Hasan Al-Basri, 'Ata and An-Nakh'i also hold a similar view.

## Fiqh 5.15 a: Getting a Loan for Hajj

Abdullah ibn Abi 'Awfa relates: "I asked the Prophet (peace be upon him) about a man who has not performed Hajj, 'Should he not get a loan to perform Hajj?' The Prophet (peace be upon him) replied: 'No"' (Al-Baihaqi).

### Fiqh 5.15 b: Performing Hajj with Unlawfully Gained Money

Someone performing Hajj with unlawfully gained money, may technically fulfil his prescribed duty of pilgrimage, but according to the majority of the scholars, he will be guilty of sin for doing so. Imam Ahmad disagrees and holds that such a Hajj is not enough for a person to absolve him of his prescribed obligation, and this is more correct as the sahih hadith says: "Surely, Allah is Pure, and He does not accept anything but what is pure (and clean)." Also it is reported by Abu Hurairah that the Prophet (peace be upon him) said: "As soon as a pilgrim sets out for Hajj with a provision which is lawful, and puts his foot in the stirrup (rides his mount) and calls out: 'O, Allah! Here I am in response to Your call,' an announcer answers him from the heavens above, saying: 'Your call has been heard; you are a happy one; your provisions are lawful, your mount is lawful and your pilgrimage is free of sin and acceptable.' But, if his provisions are unlawfully gained, and he puts his foot in the stirrup and calls out: 'O Allah! Here I am in response to Your call,' an announcer from the heavens above answers him back, saying: 'Your call is not accepted; nor are you welcome; your food is unlawful; your provisions are unlawful; and your pilgrimage is not free of sin and is unacceptable."' Al-Munzhri says: "This is reported by At-Tabarani in Al-Awsat, and also by Al-Asbahani in a mursal hadith from Aslam, the freed slave of 'Umar bin al-Khattab."

### Fiqh 5.16: What is Better in Hajj: Riding or Walking?

Al-Hafiz writes in Al-Fath: "Ibn al-Munzhir says there is a difference of opinion as to what is better for a pilgrim, walking or riding during the Hajj.

The majority of scholars hold riding is better, for the Prophet (peace be upon him) did so, and because it is more helpful (in concentrating) on praying and making supplications to Allah, apart from other benefits.

Ishaq bin Rahoweh says: "Walking is preferable for it involves more exertion and hardship (in the cause of Allah)." We may say that whether a person walks or rides during Hajj depends on each person and his particular circumstance .

Bukhari has transmitted from Anas (may Allah be pleased with him) that the Prophet (peace be upon him) saw a man leaning on both sides on his two sons, whereupon he asked: "What is the matter with this man?" The people said: "He has vowed to walk during Hajj." The Prophet (peace be upon him) said: "Allah is in no need whatever of torturing this man." Then he commanded the man to perform his Hajj riding."

### Fiqh 5.16 a: Doing Business and Leasing Rides During Hajj

There is no harm if a pilgrim engages in trade and business during Hajj or 'Umrah.

Ibn 'Abbas said: "In the beginning when Hajj was prescribed, the people used to trade at Mina, 'Arafah, and the market place of Zhul-Majaz (A place close to 'Arafah) during the Hajj season, but they feared it might be forbidden for them while in a state of ihram. Thereupon Allah revealed the verse (Qur'an 2.198): "It is no crime in you if you seek of the bounty of your Lord (during pilgrimage)." This is reported by Bukhari, Muslim and Nasa'i.

Commenting on the above verse, Ibn 'Abbas adds: "The people used to shun business while in Mina, so they were instructed to engage in business or trade while pouring down from 'Arafah."Is Abu Omamah At-Taimi narrates that he said to Ibn 'Umar: "I rent mounts to people during Hajj season, and the people tell me that my Hajj is void." Ibn 'Umar asked him: "Do you not don Hajj garb, say talbiyah, go around the House of Allah, pour down from 'Arafah, and stone the Satan?" The man said, "Yes, I do."

Ibn 'Umar said: "Then your Hajj is quite valid (and you will be rewarded for it). A person came to the Prophet (peace be upon him) and asked him something similar to what you asked me, whereupon the Prophet (peace be upon him) remained silent until this verse (Qur'an 2.198) was revealed to him: "It is no crime in you if you seek the bounty of your Lord (during Hajj season)." Then the Prophet (peace be upon him) sent for the man and recited the verse to him, saying: "Your Hajj is valid." This is reported by Abu Daw'ud and Sa'id ibn Mansur. Al-Hafiz Al-Munzhri said Abu Omamah is not known (as a narrator).

Ibn 'Abbas says that a man asked him: "I hire myself to these people to guide them in performing their rites of Hajj; will I have a reward for Hajj?" Ibn 'Abbas said: "Yes." (And then he recited) "To these will be allotted what they have earned; and Allah is quick in account.'' (Qur'an 2.202) This is transmitted by Al-Baihaqi and Ad-Daraqutni.

## Fiqh 5.19: THE HAJJ OF THE PROPHET (Peace Be Upon Him): A Detailed Account

Muslim reports: "Abu Bakr ibn Abi Shaibah and Ishaq bin Ibrahim told us that Hatem bin Isma'il al-Madani reported of Ja'far bin Mohammad and he of his father, saying, 'We visited Jabir bin Abdullah (he was blind) and he began inquiring about the people (who had come to see him) till it was my turn. I said: "I am Mohammad ibn Ali ibn Hussein." He placed his hand on my head and opened my upper button and then the lower one, and then placed his hand on my chest (in order to bless me). I was during those days a young boy, and then he said: "You are welcome, my nephew. Ask whatever you want to ask." I asked him a question but it was time for prayer. He stood up covering himself in his mantle. Whenever he placed its ends upon his shoulders they slipped down because it was short (in size). Another mantle was, however, lying on the clothes rack nearby (and he put it on) and led the prayer. I said to him: "Tell me about the Hajj of the Prophet (peace be upon him)." He held up his nine fingers and said: "The Prophet (peace be upon him) stayed in Madinah for nine years but did not perform Hajj. Then, in the tenth year he made a public announcement to the effect that Allah's Messenger was about to perform the Hajj. A large number of people came to Madinah, and all of them were eager to emulate the Prophet (peace be upon him) and follow his actions.

"We set out with him until we reached Zhul-Hulaifah, where Asma bint 'Umais gave birth to Mohammad ibn Abi Bakr. She sent a message to the Prophet (peace be upon him) asking him: "What should I do?" He said, "Take a bath, bandage your private parts and put on ihram.

"The Prophet (peace be upon him) then prayed in the mosque and then mounted al-Qaswa (his she-camel) and it stood erect with him on its back at al-Baida. As far as I could see in front of me, behind me, on my right and on my left, I saw riders and pedestrians. The Messenger of Allah (peace be him) was prominent among us and the (revelation) of the Qur'an was descending upon him, and it is he who knows (its true) interpretation. Whatever he did, we also did.

He pronounced the Oneness of Allah (saying): Labbaika Allahumma labbaik labbaika la sharika laka labbaik, innal hamda wan-ni'mata laka wal mulk, la sharika lak (O Allah! I hasten to You. You have no partner. I hasten to You. All praise and grace is Thine and the Sovereignty too; You have no partner). And the people also pronounced this talbiyah which they pronounce today. The Messenger of Allah (peace be upon him) did not disapprove of anything in it, but he azhered to his own talbiyah.

Jabir said: "We did not have any other intention but that of Hajj only, being unaware of the 'Umrah, but when we came with him to the House (of Allah), he touched the Black Stone (Hajar al Aswad) and made seven circuits, running three of them and walking four. Then going to the Station of Ibrahim, he recited: "And adopt the Station of Ibrahim as a place of prayer.'' (Qur'an 2.125) He stood at a place where the Station (of Ibrahim) was between him and the House. There he prayed two rak'ahs reciting Surah Al-Ikhlas, and Surah Al-Kafirun. He then returned to the Black Stone (Hajar al A.sl~ad) and kissed it. Then he went out of the gate to Safa, and as he approached it he recited: "Al-Safa and al-Marwah are among the signs appointed by Allah," (Qur'an 2.15) (adding:) I begin with what Allah began. He first mounted Safa until he saw the House, and facing Qiblah he declared the Oneness of Allah and glorified Him and said: La ilaha illa Allah wahdahu la sharika lahu, lahul mulk wa lahul hamd, wa huwa 'ala kulli sha'in qadeer, la ilaha illallahu wahdahu anjaza wa'dahu, wa nasara 'abdahu, wa

hazamal ahzaba wahdah (There is no God but Allah, One, He has no partner. His is the Sovereignty, to Him praise is due, and He is Powerful over everything. There is no God but Allah alone, Who fulfilled His promise, helped His servant and routed the confederates alone").

He said these words three times making supplications in between. He then descended and walked towards Marwah, and when his feet touched the bottom of the valley, he ran; and when he began to ascend, he walked till he reached Marwah. There he did as he had done at Safa.

"When it was his last round of Marwah he said: 'If I had known beforehand what I have come to know afterwards, I would not have brought sacrificial animals and would have offered it as an 'Umrah. So, he among you who has not the sacrificial animals with him should put off ihram and treat it as an 'Umrah. Suraqa ibn Malik ibn Ju'tham got up and said, 'Messenger of Allah, does it apply to the present year, or does it apply forever? Thereupon the Messenger of Allah (peace be upon him) intertwined the fingers (of one hand) into another and said twice: 'The 'Umrah has become incorporated in the Hajj,' (adding): 'No, but forever and ever.'

"Ali came from Yemen with the sacrificial animals for the Prophet (peace be upon him) and found Fatimah (Allah be pleased with her) to be one among those who had put olf ihram. put on dyed clothes, and had applied kuhl*. Ali showed diiapproval of it, whereupon she said: 'My father has commanded me to do this.' (The narrator) said that Ali used to say in Iraq: 'I went to the Messenger of Allah (peace be upon him) showing annoyance at Fatimah for what she had done, and asked the Prophet (peace be upon him) regarding what she had narrated from him, and told him that he was angry with her, whereupon the Prophet (peace be upon him) said: 'She has told the truth; she has told the truth.'

"(The Prophet then asked Ali): 'What did you say when you put on ihram?' I (Ali) said: 'O Allah, I am putting on ihram for the same purpose as Your Messenger has put it on.' Thereupon the Prophet (peace be upon him) told him, 'I have with me sacrificial animals, so do not put off the ihram.'

"(Jabir) said: 'The total number of those sacrificial animals brought by Ali from Yemen and of those brought by the Prophet (peace be upon him) was one hundred. All the people except the Prophet (peace be upon him) and those who had with them sacrificial animals, put off ihram and got their hair clipped. When it was the day of Tarwiya (8th of Zhul-Hijjah) they went to Mina and put on the ihram for Hajj and the Messenger of Allah (peace be upon him) rode and led there, the noon, afternoon, sunset, 'Isha and dawn prayers. He then waited a little till the sun rose, and commanded that a tent of hair should be pitched at Namira.

"The Messenger of Allah (peace be upon him) then set out and the Quraish did not doubt that he would halt at Al-Mash'ar Al-Haram (the sacred site) as the Quraish used to do in the pre-Islamic period. The Messenger of Allah (peace be upon him), however, passed on till he came to 'Arafah and he found that the tent had been pitched for him at Namira. There he got down till the sun had passed the meridian; he commanded that al-Qaswa be brought and saddled for him. Then he came to the bottom of the valley, and addressed the people saying: Verily your blood, your property are as sacred and inviolable as the sacredness of this day of yours, in this month of yours, in this town of yours.

Behold! Everything pertaining to the Days of Ignorance is under my feet, and completely abolished. Abolished are also the blood-revenges of the Days of Ignorance. The first claim of ours on blood-revenge which I abolish is that of the son of Rabi 'a ibn al-Harith, who was nursed among the tribe of Sa'd and killed by Huzhail. And the usury of the pre-Islamic period is abolished, and the first of our usury I abolish is that of 'Abbas ibn 'Abd al-Muttalib, for it is all abolished.

Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by word of Allah. You too have rights over them, in that they should not allow anyone to sit on your bed whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner.

I have left among you the Book of Allah, and if you hold fast to it, you will never go astray. And you will

be asked about me (on the Day of Resurrection), (now tell me) what would you say? They (the audience) said: "We will bear witness that you have conveyed (the message), discharged (the ministry of Prophethood) and given wise (sincere) counsel." He (the narrator) said: "He (the Holy Prophet) then raised his forefinger towards the sky and pointing it at the people (said): 'O Allah, be witness. O Allah be witness,' saying it thrice' ."

"Then azhan was pronounced and later on iqama and the Prophet (peace be upon him) led the noon prayer. Then another Iqama was pronounced and the Prophet (peace be upon him) led the afternoon prayer and he observed no other prayer in between the two. (This proves the validity of joining Zuhr and 'Asr prayer on this day, at this place. There is consensus on it, but there is disagreement as to its cause. Abu Hanifah and some Shafi'i scholars hold that it is a part of Hajj, but the majority of Shafi'i scholars hold it is due to journey) The Messenger of Allah (peace be upon him) then mounted his camel and came to the place where he was to stay. He made his she-camel, al-Qaswa, turn towards the rocky side, with the pedestrian path lying in front of him. He faced the Qiblah, and stood there until the sun set, and the yellow light diminished somewhat, and the disc of the sun totally disappeared. He made Usama sit behind him, and pulled the nosestring of Qaswa so forcefully that its head touched the saddle (in order to keep her under perfect control), and pointing out with his right hand, advised the people to be moderate (in speed) saying: "O people! calmness, calmness!" Whenever he passed over an elevated tract of land, he slightly loosened the nose-string of his camel till she climbed up. This is how he reached al-Muzdalifah."

"There he led the evening and 'Isha prayers with one azhan and two iqamas and did not glorify (Allah) in between them (i.e. he did not observe supererogatory rak 'ahs between Maghrib and 'Isha prayers). The Messenger of Allah (peace be upon him) then lay down till dawn and offered the dawn prayer with an azhan and iqama when the morning light was clear. He again mounted al-Qaswa, and when he came to Al-Mash'ar Al-Haram, he faced Qiblah, and supplicated to Allah, Glorified Him, and pronounced His Uniqueness and Oneness, and kept standing till the daylight was very clear.

"He then went quickly before the sun rose, and seated behind him was Al-Fadl ibn 'Abbas, who wa.s a man with beautiful hair, fair complexion, and handsome face. As the Messenger of Allah (peace be upon him) moved on, a group of women riding camels was also passing. Al-Fadl began to look at them. The Messenger of Allah (peace be upon him) placed his hand on Al-Fadl's face who then turned his face to the other side, and began to look, and the Messenger of Allah (peace be upon him) turned his hand to the other side and placed it on Al-Fadl's face. He again turned his face to the other side till he came to the bottom of Muhassir. He urged her (al-Qaswa) a little, and, following the middle road, (This proves that it is sunnah to follow a different road on the way back from Arafah than the one taken while going toward it. The Prophet (peace be upon him) went by the Dab road to Arafah. Similarly he used to take different routes going to or coming back from 'Eid prayers) which comes out at the greatest Jamarah, he came to the Jamarah which is near the tree. At this he threw seven small pebbles, saying, 'Allahu Akbar' while throwing every one of them in a manner in which the small pebbles are thrown (holding them with fingers) and this he did while at the bottom of the valley. (That is, he stood there at a place where Mina, Arafah and Al-Muzdalifah were on his right, and Makkah on his left side)

"He then went to the place of sacrifice, and sacrificed sixty-three (camels) with his own hand. He shared the remaining camels with Ali, who sacrificed them. He then commanded that a piece of meat from each sacrificed animal be put in a pot. When it was cooked, both of them (the Prophet and Ali) ate some of it and drank its soup.

"The Messenger of Allah (peace be upon him) again rode and came to the House (of Allah), where he performed Tawaf Al-Ifadah and oftered the Zuhr prayer at Makkah. He came to the tribe of 'Abd al-Muttalib, who were supplying water at Zamzam, and said: 'Draw water, O Banu 'Abd al-Muttalib; were it not that people would usurp this right of supplying water from you, I would have drawn it along with you.' So they handed him a bucket and he drank from it."

The scholars said: "This hadith is one of its kind. It contains lots of valuable information." Al-Qadi 'Iyad said: "Many scholars have spoken (and written) at great length about the legal injunctions contained in this hadith." Abu Bakr ibn Al-Munzhir has listed a large part of these identifying about one hundred and

fifty injuctions. He observes that if he had analysed more closely this number would almost double.

The scholars said: This hadith indicates that for the women giving birth to a child or having monthly periods it is sunnah - and much more so for others - to take a bath when they intend to perform Hajj or 'Umrah. It also teaches us that the women who are menstruating or are still in their confinement after childbirth, should clean themselves properly, cover their private parts with a piece of cotton, then declare their ihram. It also indicates that ihram must be declared after offering either a fard or a supererogatory prayer. After declaring ihram one should utter talbiyah loudly and preferably use the same words as used by the Prophet (peace be upon him). However, there is no harm in adding similar phrases as 'Umar did: "O Allah! I answer Your call, You Who gives blessings and good favors. I answer Your call fearing You, and wishing Your favor."

This hadith also indicates that a pilgrim must first come to Makkah where one must perform circumambulation of arrival in Makkah (Tawaf qudoom), and touch the Black Stone--if possible--and make the first three rounds running, while making the other four walking at normal speed. The running is done around the Ka'bah except between the Yemeni Corner and the Black Stone.

After making the Tawaf one must go to the Station of Ibrahim (peace be upon him) and recite the verse: "Take the Station of Ibrahim as a place for prayer." Then standing there, with the Station of Ibrahim between him and the Ka'bah, he should pray two rak'ahs reciting after Al-Fatihah, Surah Al-Kafirun in the first rak'ah, and Surah Al-Ikhlas in the second rak'ah. This hadith also indicates that touching the Black Stone again prior to leaving the Sacred Mosque is recommended (if possible), just as one did upon entering it. There is consensus among the scholars that touching (kissing) the Black Stone is sunnah.

After that, one must make Sa'i and for this purpose go to mount Safa. climb it, face the Ka'bah and make supplications three times to Allah. Then. one must climb down and walk toward Marwah, while jogging in the marked area called bainal milain between Safa and Marwah every time one passes this area during the seven rounds not just in the first three rounds as in Tawaf. On reaching Marwah one should climb it just as one climbed Safa, make supplications, and make remembrance.

Completion of all these rites will complete one's 'Umrah. Now one should either shave one's head or clip some of one's hair to get out of the state of ihram. This is precisely what the Companions of the Prophet (peace be upon him) did when the Prophet (peace be upon him) commanded them to change their Hajj to 'Umrah. As for the pilgrim who is combining Hajj and 'Umrah, he must not shave or clip his hair, but should remain in his state of ihram.

On the 8th of Zhul-Hij jah. those who had put off their ihram after making 'Umrah, should again put on ihram to perform pilgrimage, and then head to Mina with those who combine Hajj and 'Umrah. It is sunnah to offer the five daily prayers in Mina and to spend the night of the 9th of Zhul-Hijjah there.

It is also sunnah not to leave Mina for 'Arafah until after the sunrise, and not to enter 'Arafah until the sun begins to decline, and after ot'fering both Zuhr and 'Asr prayers, which the Prophet (peace be upon him) offered at Namira which is not a part of 'Arafah. The Prophet (peace be upon him) did not enter his quarters at 'Arafah until after otfering Zuhr and 'Asr prayers. Moreover, it is also sunnah of the Prophet (peace be upon him) to offer some supererogatory (nawafil) prayers in between these two prayers.

The imam should give a sermon before the prayer, which is one of the sunnah sermons in pilgrimage. The second sermon is given by the imam on the 7th of Zhul-Hijjah after Zuhr prayer in the Ka'bah. The third of these sunnah sermons is delivered on the 10th of Zhul-Hijjah, the day of slaughtering. And the fourth sermon is given on the day the people leave (yawm an-nafr)--the 11th day of Zhul-Hijjah.

This hadith also contains some important manners and etiquette for performing Hajj and 'Umrah:

2 It is better to spend the time at 'Arafah riding one's mount.

3 It is better to stand by the rocks or close to them as the Prophet (peace be upon him) did.

4 One should face Qiblah while in 'Arafah.

5 One must stay at one's quarters in 'Arafah until sunset.

6 One should make supplications to Allah, raising one's hands to one's chest, and after the sunset calmly and quietly leave 'Arafah. And if one is in a leading position one should ask others to do likewise.

7 Upon arriving at Al-Muzdalifah, one should combine Maghrib and 'Isha prayers with one azhan and two iqamahs.

8 One may not offer any nawafil prayers in between these two prayers. There is consensus among Muslim scholars about combining these two prayers. They differ, however, concerning the reason for it. Some claim that it is a part of the rites of the Hajj, while others say it is a permission granted to them, because they are traveling.

9 Spending the night at Al-Muzdalifah is also sunnah. All scholars agree that it is part of the Hajj rites. They do, however, differ on whether spending the night there is obligatory or sunnah.

10 It is also sunnah to offer Fajr prayer at Al-Muzdalifah, and then depart from it for Al-Mash'ar Al-Haram to stop there and make supplications. Stopping there is a part of the Hajj rite.

11 It is sunnah to leave Al-Mash 'ar Al-Haram when dawn is well advanced and go to the bottom of Mohassir valley. When in this valley one should walk fast because this is the place where Allah's wrath descended upon the Companions of the Elephant.

12 On reaching the jamarah--jamarah al 'aqabah--one should throw seven pebbles at it, and with each throw say Allahu Akbar. The pebbles should be no more than the size of a cereal seed (beans).

13 After this one should offer his sacrifice, if one has one, slaughtering it with one's own hands. After slaughtering one may shave one's head.

14 Now one must go to Makkah to perform Tawaf ifadah also known as Tawaf az-ziyarah or circumambulation of visit.

One is thereafter permitted to engage in any lawful activity that was unlawful for him while in the state of ihram, including sexual intercourse with one's wife. A person who has thrown pebbles at Jamarah al-'Aqabah, but has not performed the circumambulation of if adah (or ziyarah) may engage in any lawful activity except sexual intercourse with his wife.

That is the guidance of the Prophet (peace be upon him) concerning Hajj. It explains what he meant when, according to a hadith, he said: "Take your rites from me," for his Hajj alone is the real and true Hajj.

In the following pages we will deal in detail with all these rites, and the opinions of various scholars concerning them.

## Fiqh 5.27: Fixed Time For Ihram, Mawaquit

This refers to the specific period of time when the rites of Hajj have to be performed to be valid. This is clear from the words of Allah: "They ask you concerning the new moons. Say: They are but signs to mark fixed periods of time (in the affairs of) men, and for Hajj" l and "For Hajj are the months well-known." (Qur'an 2.197) The Muslim scholars are agreed that the months of Hajj are the months of

Shawwal and Zhul-Qui'dah. They differ about the month of Zhul-Hijjah, whether only the first ten days of it are included in the months of Hajj or the entire month. Ibn 'Umar, Ibn 'Abbas, Ibn Mas'ud, the Hanafi and Shafi'i school, and Ahmad are of the opinion that only its first ten days are included in the months of Hajj, while Malik holds the entire month of ZhulHijjah as one of the Hajj months. Ibn Hazm supports Malik's opinion, saying that the words, "For Hajj are the months well-known," does not mean two months and a part of other months.

Similarly we know that of the rites of Hajj, the throwing of pebbles at jamarah takes place on the 13th of Zhul-Hijjah, while the scholars agree that the circumambulation of Ifadah, which is one of the essential rites of Hajj, may be performed anytime in the month of Zhul-Hijjah. There is no disagreement on this point. It is, therefore, quite correct to say that all three months are the months of Hajj.

The effects of disagreement are apparent mainly in the rites performed after slaughtering the sacrificial animal. Those who consider the entire month of Zhul-Hijjah a Hajj month, hold there is no penalty for delay in slaughtering an animal. On the other hand, those who hold that only its first ten days are included in the period of Hajj are of the opinion that such a person must offer a penalty and offer a sacrifice for delay.

### Fiqh 5.28: Putting on Ihram Before the Months of Hajj

Ibn 'Abbas, Ibn 'Umar, Jabir and Ash-Shafi'i are of the opinion that donning the garb of ihram for Hajj is not valid outside its months. (Anyone putting on ihram before the months of Hajj may, however, perform 'Umrah, but tbis cannot be a substitute for his ihram for Hajj)

Ibn 'Umar said, "The months of Hajj are Shawwal, Zhul-Qui'dah and ten days of Zhul-Hijjah." Ibn 'Abbas said: "The sunnah is to declare one's intention and to put on ihram with the intention of performing Hajj during the months of Hajj." (Bukhari)

Ibn Jarir reported from Ibn 'Abbas that he said: "To put on ihram for Hajj is not valid except in the months of Hajj."

The Hanafites, Malik, and Ahmad are of the opinion that to put on ihram for Hajj betore its months is permissible but disliked. Ash-Shawkani, however, preferred the first opinion. He observes: "Allah, the Exalted One, has named specific months for Hajj rites, of which ihram is one. So whosoever claims that it is permissible to put on ihram even before these months must produce evidence to support his claim."

### Fiqh 5.28 a: Fixed Places for Putting on Ihram

Mawaqit of place are the specific places where a pilgrim or a person intending to visit Makkah for 'Umrah or Hajj must declare his intention to do so and put on ihram, the pilgrim garb. Anyone intending to perform Hajj or 'Umrah must not pass beyond these places without ihram.

The Prophet (peace be upon him) himself specified these places:

For the people of Madinah the miqat (singular of mawaqit) is ZhalHalaifah, a place 450 kilometres to the north of Makkah, from where they must declare their intention and don the ihram, the Hajj garb.

For those coming from Syria, Jordan, Palestine and Lebanon, the miqat is Al-Juhfah, a place 187 kilometres to the north-west of Makkah, and close to Rabigh, which is 204 kilometres from Makkah. Rabigh became the miqat for the people coming from Syria and Egypt, after the settlement of Al-Juhfah disappeared completely.

The miqat for people of Najd is Qarn al Manazil, a mountain 94 kilometres to the east of Makkah,

overlooking 'Arafah.

Yalamlam, a mountain 54 kilometres to the south of Makkah is the miqat for those coming from Yemen. Here they must declare their intention and put on ihram.

For the people of Iraq, the miqat is Zhat Irq, a place 94 kilometres to the north-east of Makkah.

These places were fixed by the Prophet (peace be upon him) himself for all those who pass by them whether they come from these specific areas or some other areas. The Prophet (peace be upon him) said: "These places are for the people (coming from the above specified countries) as well as for others who pass by them on their way to perform Hajj or 'Umrah." For a person who is present in Makkah and intends to perform Hajj, like the residents of Makkah, his miqat would be the place where he is staying in Makkah. However, if such a one intended to perform 'Umrah, then he should go to Al-Khol or At-Tan'im, for that is his miqat for 'Umrah. He should go there and make his ihram for 'Umrah.

A person who is a resident in an area between the miqat and Makkah, he may make his ihram from his house.

Ibn Hazm said: "A person travelling by land or sea (to Makkah for Hajj or 'Umrah) who does not pass by any of these places may make his ihram from any place he likes."

## Fiqh 5.28 b: Declaring Ihram Before Reaching the Miqat

Ibn al-Munzhir says: "There is consensus among the scholars that a person who declares his intention to perform Hajj or 'Umrah and puts on his ihram before reaching the miqat does enter the state of ihram. But is it undesirable to do so? Some say it is, in light of the saying of the Companions that the Prophet (peace be upon him) himself fixed Zhul Hulaifah as miqat for the people of Madinah which means that (an intending pilgrim) should make his ihram from these specified places, without any addition or deletion from the rule. But if addition is not prohibited, then at least the best course would be not to do it (i.e. not make ihram before reaching the fixed place)."

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### Fiqh 5.31: Ihram, Definition

Ihram is the intention to perform either Hajj or 'Umrah, or to make intention of performing both. Intention is an important element of both. Allah says: "And they have been commanded no more than this: to worship Allah, offering Him sincere devotion.'' (Qur'an 98.5) The Prophet (peace be upon him) said: "The actions will be rewarded according to the intentions behind them, and every person will have what he had intended."

We have dealt with the subject of intention in Fiqh us-Sunnah, Vol.1.(See the chapter on Wudu in Fiqh us-Sunnah vol. 1) The human heart is its seat. Al-Kamal bin al-Homam reported, "We are unaware of anyone among the narrators reporting about the rites performed by the Prophet (peace be upon him) and saying that he (the Prophet) declared his intention to perform Hajj or 'Umrah aloud saying, "I have made the intention to make 'Umrah or Hajj."

### Fiqh 5.31 c: Etiquette of Ihram, Cleanliness

This means clipping one's fingernails, trimming the moustache, shaving off the hair from under the armpits, shaving the pubic hair, making an ablution or preferably taking a complete bath, and in the case of men, to comb their beard and hair.

Ibn 'Umar said: "It is sunnah for a pilgrim to take a complete bath before entering the state of ihram or before entering Makkah." This is reported by Al-Bazzar, Ad-Daraqutni, Al-Hakim, who considers it a sound hadith.

It is reported from Ibn 'Abbas that Allah's Messenger (peace be upon him) said: "A woman in the state of confinement after childbirth and one in her menstruation period must take a complete bath, declare her ihram, and perform all the rites except circumambulation around the Ka'bah, which she may perform after she is in a state of purification." (Ahmad, Abu Dawud, and Tirmizhi who considers this hadith sound)

### Fiqh 5.32: Taking off all sewn clothes and putting on the Hajj garb

This consists of two sheets of cloth. One of these is wrapped round the upper part of the body, except the head, and the other (izar) is wrapped round the lower part of the body. Both of these sheets should be white as this color is the best color in the sight of Allah.

Ibn 'Abbas said: "Allah's Messenger (peace be upon him) combed his hair, wore some perfume, put on his Hajj garb, along with his Companions, and then he set out from Madinah accompanied by them." (Reported by sukhari)

### Fiqh 5.32 a: Wearing Some Perfume

The perfume may be used on the body as well as the Hajj garb, even if it should continue to smell afterwards.

'Aishah said: "It is as if I can still (in retrospection) see the traces of perfume glittering on the Prophet's head while he was in the state of ihram." (Reported by sukhari and Muslim) She also reported: "I used to apply perfume to the Prophet (peace be upon him) before he wore his Hajj garb, and again when he ended his state of ihram, but before he had made Tawaf around the Ka'bah." (Bukhari and Muslim) In another report transmitted by Ahmad and Abu Daw' ud, 'Aishah said: "We used to go to Makkah with Allah's Messenger (peace be upon him), and when we wore our Hajj garb we used to sprinkle musk on our foreheads. And if one of us was sweating or perspiring it would run down her face. The Prophet (peace be upon him) would notice this but did not prohibit its use."

### Fiqh 5.32 b: Praying Two Rak'ahs

With these, one should make one's intention to assume the state of ihram. In the first rak'ah one should recite Surah AlKafirun, and recite Surah Al-Ikhlas in the second rak'ah after the recitation of Surah Al-Fatihah.

Ibn 'Umar reported: "The Prophet (peace be upon him) used to offer two rak'ahs at Zhul-Hulaifah.

If, however, one offered a prescribed prayer at that time it will suffice him, just as a prescribed prayer suffices and replaces a prayer of salutations to the mosque.

### Fiqh 5.32 c: Kinds of Ihram

Ihram is of three kinds:

1 Qiran (combining both 'Umrah and Hajj).

2 Tamattu' (combining both Hajj and 'Umrah with a break in between), and

3 Ifrad (Hajj only).

There is consensus among scholars that all these three kinds are legitimate.

'Aishah reported: "We left (Madinah) with Allah's Messenger (peace be upon him) to perform the Farewell Hajj. Some of us declared ihram to perlorm 'Umrah, while others declared their intentions to perform both Hajj and 'Umrah. Yet others declared their ihram to perform Hajj only. The Prophet (peace be upon him) declared ihram for Hajj only.

As for those who intended 'Umrah, they terminated their ihram as soon as they finished the rituals of 'Umrah. Those who intended to combine Hajj with 'Umrah or those who intended to perform Hajj only, they did not terminate their ihram until the Slaughtering Day (Yawm un-Nahr), the 10th of Zhul-Hijjah." (Reported by Ahmad, Bukhan, Muslim and Malik)

### Fiqh 5.33: Qiran - Combining Hajj and 'Umrah

In it a pilgrim declares his intention to perform both Hajj and 'Umrah together, and says when doing talbiyah, "O Allah, I answer your call to perform Hajj and 'Umrah." Such a pilgrim is required to remain in the state of ihram until he has performed all the rites of 'Umrah and Hajj. Or, for this kind of ihram, a pilgrim may declare his intention to perform 'Umrah and later, before making the Tawaf around Ka'bah, make his intention to perform Hajj as well.

### Fiqh 5.33 a: Tamattu' - Combining 'Umrah and Hajj With a Break in Between

Tamattu' means performing 'Umrah during the Hajj season, and then subsequently making Hajj the same year. It is called tamattu' (or enjoyment) due to the fact that a pilgrim has the added advantage of performing Hajj and 'Umrah in the same journey without having to go back home, and also because such a pilgrim after the 'Umrah, enjoys normal life; he can wear his usual clothes, apply perfume, and do other things until the time he once again puts on his Hajj garb for the Hajj.

Anyone intending to make a tamattu' should on approaching the miqat, first make intention for 'Umrah. While uttering talbiyah he should say: Labbaik bil 'Umrah. "O Allah, I answer Your call to perform 'Umrah." Such a pilgrim should keep on his or her Hajj garb until he circumambulates around the Ka'bah, walks between Safa and Marwah, then clips his hair or shaves it. After that he may put away his Hajj garb and wear his usual clothes. He may do everything that is permissible but was prohibited

for him in the state of ihram. On the 8th of Zhul-Hijjah, such a person must declare his or her intention to perform Hajj and put on ihram from Makkah.

The author of Al-Fath says: "The majority of the scholars agree that Tamattu' means a pilgrim may combine Hajj with 'Umrah during the months of the Hajj and in the same journey, and that when he performs 'Umrah he should be present in Makkah. In the absence of any of these conditions he may not perform Hajj tamattu'.

### Fiqh 5.34: Ifrad (Or Hajj only)

Ifrad means a pilgrim intending to perform Hajj only should, while at the miqat, make intention for Hajj only. While making talbiyah he or she should say, Labbaik bihajj "(O Allah, I answer your call to perform Hajj)," and must keep his or her Hajj garb until all the rites of Hajj are completed. Then, if such a pilgrim desires, he or she may perform an 'Umrah.

### Fiqh 5.34 a: Which of the Above Kinds of Hajj and Umrah Combination is the Best

The scholars disagree as to which of these is the best kind. The Shafi'i school holds that ifrad and tamattu' are superior to qiran, because in either of the former two kinds a pilgrim has the opportunity to perform complete rites of Hajj and of 'Umrah. On the other hand, a qarin (one who undertakes a qiran Hajj) is able to perform Hajj only.

As to which of the two--tamattu' or ifrad--is better, there are two opinions. One group of scholars holds tamattu' as superior to ifrad, while the others hold ifrad is better.

The Hanafi school holds that qiran is better than tamattu' and ifrad, and that tamattu ' is better than if rad. The Maliki school holds that if rad (Hajj only) is better than tamattu' and qiran. The Hanbali scholars, on the other hand, are of the view that tamattu' (combining Hajj and 'Umrah with a break in between), is better than the qiran and ifrad. This is comparatively easy and the people can perform it comfortably.

In fact, this is what the Prophet (peace be upon him) performed himself and commanded his Companions to do likewise. 'Ata said, "I heard Jabir ibn Abdullah saying, 'We (the Companions) declared our intention to perform Hajj only. On the 4th of Zhul-Hijjah the Prophet (peace be upon him) commanded us to terminate our state of ihram, saying, "Terminate your state of ihram and go to your wives." He did not, however, oblige us to do so but he permitted us. We said: 'There are only five days left to the Day of 'Arafah. Shall we go to 'Arafah while semen is dribbling from our male organs?" The Prophet (peace be upon him) stood up and said: "You know that I fear Allah the most, and that I am the most truthful, and the most pious amongst you. If I had not brought my sacrificial animals with me, I also would have terminated my state of ihram. If I were to again come (to Makkah), I shall not bring the sacrificial animals with me. So terminate your state of ihram." At this we terminated our state of ihram; we listened to and obeyed (the Prophet)." This was reported by Muslim.

### Fiqh 5.35: Putting on Ihram Without Specifying Its Kind

If a person puts on ihram with the intention of performing whatever Allah has prescribed for him without specifying any of the above three kinds due to lack of knowledge. his ihram would be quite lawful and valid.

The scholars said: "If such a person utters talbiyah like others with the intention of performing the rituals (of Hajj), but says nothing in words, nor makes an intention in his heart, nor specifies whether it is tamattu', ifrad, or qiran Hajj that he intends, his pilgrimage would still be valid, and he will be reckoned to have made one of the three kinds of Hajj.

### Fiqh 5.35 a: Tawaf and Sa'i for those Performing Qirarl and Tamattu' - The People Living Within the Sacred Precincts of Ka'bah May Perform Ifrad (Hajj only).

Ibn 'Abbas was once asked about the break between 'Umrah and Hajj to which he replied: "The Muhajirun (immigrants from Makkah), the Ansar (people of Madinah), and the wives of the Prophet (peace be upon him) declared their intention to perform the Farewell Hajj. So we also declared our intention to do the same. Upon arrival in Makkah, the Prophet (peace be upon him) said: "Make your declaration of intention for 'Umrah only, except for those who have already designated their sacrificial animals, and brought them along with them." We made Tawaf of Ka'bah, walked seven times between Safa and Marwah. Then we consorted with our wives and wore our regular clothes. The Prophet (peace be upon him) further told us: "Those who have garlanded (i.e., marked) their sacrificial animals, they must not break their state of ihram until the animal reaches the slaughter house to be offered in sacrifice. Then we were commanded by the Prophet (peace be upon him) to declare our intention for Hajj on the night of the 8th of Zhul-Hijjah. After completing all the rites of Hajj, we went and circumambulated around the Kabbah, walked between Safa and Marwah, and thus we completed Hajj and we offered the sacrifice as Allah says, "If anyone wishes to continue the 'Umrah onto the Hajj, he must make an offering such as he can afford, but if he cannot afford it, he should fast three days during the Hajj and seven days on his return ... (to his country)." (Qur'an 2.196) Offering a sheep in sacrifice is enough for this purpose. These Companions of the Prophet (peace be upon him) combined two worships in one year: Hajj and 'Umrah. Allah has mentioned it in His Book and (reinforced it) by the practice of His Prophet (peace be upon him), making it permissible for all people, excepting the residents of Makkah. Allah says (Qur'an 2.136): "This is for those whose household is not in (the precincts of) the Sacred Mosque." The Hajj months referred to are Shawwal, Zhul-Qui'dah and ZhulHijjah. So whosoever combines an 'Umrah and Hajj during these months has to offer a sacrifice, or observe fast. This is reported by Bukhari.

This hadith proves that the residents of Makkah can neither perform qiran nor tamattu'. They may perform if rad only--a single Hajj or a single 'Umrah. This is the opinion of Ibn 'Abbas, and Abu Hanifah in the light of Allah' s words, "This is for those whose household is (in the precincts of) the Sacred Mosque."

There is disagreement among scholars concerning "those whose household is (in the precincts) of the Sacred Mosque." Malik holds that they are the people of Makkah. Al-A'raj agrees with this view and also At-Tahawi who preferred this view. Ibn 'Abbas, Taw'us, and another group are of the opinion that it is the people living within the sacred precincts of Haram, which according to Al-Hafiz, is quite apparent. Ash-Shafi'i holds that any one living around Makkah at a distance not more than that at which one is permitted to shorten regular prayers is a resident of Makkah. Ibn Jarir agrees and prefers this view. The Hanafi scholars hold that all those living within or at the miqat are residents of Makkah. In this regard, the place of residence and not the place of birth of a person is taken into account.

The above hadith also indicates that a person who performs Hajj tamattu' must first make a tawaf of Ka'bah and Sa'i between Safa and Marwah. This will suffice him for tawaful qudum (circumambulation of arrival) which is performed as a greeting to the Sacred Mosque upon arrival there. Then, after the Day of 'Arafah, such a person shall make another tawaf, tawaf ifada. and perform another Sa'i between Safa and Marwah.

As for the qarin, the pilgrim who combines 'Umrah and Hajj and remains in a state of ihram after the first 'Umrah, the scholars are of the opinion that he needs to perform only one tawaf (seven circumambulations around Ka'bah) and one Sa'i (seven rounds between Safa and Marwah) for both the Hajj and 'Umrah. The case of such a person is very much similar to the pilgrim who performs ifrad (Hajj only).

1 Jabir reported: "The Prophet (peace be upon him) combined Hajj and 'Umrah, with one tawaf." This is transmitted by Tirmizhi, who considers it a sound hadith.

2 Ibn 'Umar reported that the Prophet (peace be upon him) said: "He who declared his intention to perform Hajj and 'Umrah together, may perform one tawafand one Sa'i for them." This is reported by Tirmizhi, with the remarks that this is a hasan gharib hadith. Ad-Daraqutni has also reported it, but he adds: "One must not terminate one's state of ihram until one has completed both (the Hajj as well as 'Umrah)."

3 The Prophet (peace be upon him) told 'Aishah: "Your tawaf of the Ka'bah and Sa'i between Safa and Marwah will suffice you for both Hajj and 'Umrah." This is reported by Muslim.

Abu Hanifah, however, is of the view that in such a case (i.e., combining Hajj and 'Umrah) lawaf and Sa'i must be performed twice. The first hadith is preferable considering its authenticity and strength of evidence.

4 A hadith says that a pilgrim who combines Hajj and 'Umrah, with a break in between (as in tamattu') or without a break (as in qiran) must sacrifice at least a sheep. And if one cannot afford the sacrifice he should fast three days during Hajj and another seven days after returning home. It is preferable for such a person to fast three days during the ten days of Zhul-Hijjah before the Day of 'Arafah. Some scholars such as Taw'us and Mujahid, however, hold that such a pilgrim may fast at the beginning of the month of Shawwal. Ibn 'Umar, on the other hand, is of the opinion that such a pilgrim may fast a day before the 8th, and the 8th as well as 9th of Zhul-Hijjah (Day of 'Arafah). If such a pilgrim failed to fast these three days, or fasted some of them before 'Eid, then he may observe fast during the tashriq days (i.e., the I Ith, 12th and 13th of Zhul-Hijjah). This is based on a report from 'Aishah and Ibn 'Umar who said: "Fasting is not permitted on the 11 th, 12th and 13th of ZhulHijjah except for those who are obligated to fast because they cannot afford the sacrifice." This is reported by Bukhari. If one fails to fast these three days during Hajj, then one must make them up later.

As for the seven days of fasting, according to some scholars, one may fast them upon arriving at his home town. Others, like Mujahid and 'Ata, say one may do so after arriving at one's stopover. According to them one may fast these seven days on the way back home. These ten days of fasting do not necessarily have to be fasted consecutively.

Once a person makes intention (for Hajj or 'Umrah) and dons the ihram, he must make talbiyah.

## Fiqh 5.39: TALBIYAH, Its Legality

There is consensus among the scholars that talbiyah is a prescribed practice. Umm Salamah reported: "I heard Allah's Messenger (peace be upon him) saying: "O Family of Muhammad! Whoso among you intends to perform Hajj must raise his voice while uttering talbiyah." This is reported by Ahmad and Ibn Hibban.

The scholars disagree, however, on its legal status, timing, and the position of one who delays it. Ash-Shafi'i and Ahmad hold that it is sunnah of the Prophet (peace be upon him); it is desirable to utter it when putting on the garb of ihram. Thus, if a person intended to perform Hajj but did not utter talbiyah, his Hajj would still be valid, and he is not required to do anything, because according to them, such a person enters the state of ihram just by making intention to perform Hajj.

Hanafi scholars hold that talbiyah or any substitute for it - such as containing praise or glorification of Allah. and bringing an animal for sacrifice -is a requisite condition for the validity of ihram. If someone puts on the garb of ihram without uttering talbiyah or glorifying Allah or bringing a sacrificial animal, his ihram is not valid, because ihram, according to them, is a combination of intention and one of the rites of Hajj. Thus, if one declares his intention for ihram and performs any of the rites of Hajj, for example if he glorifies Allah or declares, "There is no deity worthy of worship but Allah alone," or if he brought his sacrificial animal along with him but did not utter talbiyah, his ihram will be valid but he will be required to sacrifice an animal as a penalty for failing to do so.

According to the well-known position of Imam Malik, uttering talbiyah is obligatory and in cases where one fails to do so or does not utter it upon donning the garb of ihram but utters it later on, one must slaughter an animal in atonement.

## Fiqh 5.39 b: Words of Talbiyah

Malik reported from Nafi' that Ibn 'Umar said: "The Prophet (peace be upon him) made his talbiyah in

these words: 'Lab-baika Allahumma Lab-baik. Lab-baika la-Sharika laka lab-baik. In-nal Hamda wan-ni 'mata laka wal mulk. La Sharika lak (Here I am at Your service, O Allah! You have no partner, Here I am at Your service, O Allah. Verily, all the praise, the grace belong to You, and the kingdom. You have no partner) "'

Nafi' said that Ibn 'Umar used to add, "I am at Your service, I am at Your service. I am at Your service and at Your call. All good is in Your hands, I am at Your service. Our desire is for You, and also our deeds."

The scholars, however, prefer to restrict the words of talbiyah to the words used by the Prophet (peace be upon him), and there is disagreement among them concerning any addition to them. The majority, however, holds that there is no harm in adding other words to them as Ibn 'Umar and other Companions of the Prophet (peace be upon him) did. The Prophet (peace be upon him) heard them and did not say anything to them.(Reported by Abu Da'wud and Al-Baihaqi) Malik and Abu Yusuf disliked adding to the talbiyah of the Prophet (peace be upon him).

## Fiqh 5.40: Excellence of Talbiyah

Jabir reported that the Prophet (peace be upon him) said: "Whosoever makes intention to perform Hajj and pronounces talbiyah all day until sunset, Allah the Almighty will forgive his sins, and he will be free of sin as he was the day his mother gave birth to him." (Ibn Majah)

Abu Hurairah reported that the Prophet (peace be upon him) said: "He who declares, 'There is no God but Allah' will get the good news of reward (for him), and he who magnifies Allah (or, says Allahu Akbar - Allah is the greatest) will receive the good news of reward (for him)." They asked: "O Prophet of Allah, is it the (good news of) Paradise?" He replied, "Yes." (Narrated by At-Tabarani and Sa'id bin Mansur)

Sahl ibn Sa'ad reported that the Prophet (peace be upon him) said: "When any Muslim utters talbiyah, everything - every stone or every tree or every pebble - on his right side and on his left side responds with a (similar) talbiyah, until the whole earth resounds with it." (Reported by Ibn Majah, Al-Baihaqi, Tirmizhi, Al-Hakim, who considers it a sound hadith)

## Fiqh 5.41: Uttering Talbiyah Aloud is Encouraged

Zaid ibn Khalid reported that the Prophet (peace be upon him) said: "Gabriel (peace be upon him) came to me and told me: 'Command your Companions to raise their voices when saying talbiyah, because it is one of the rituals of Hajj." This is reported by Ibn Majah, Ahmad, Ibn Khuzaimah and Al-Hakim, who regards it a sound hadith.

Abu Bakr reported that the Prophet (peace be upon him) was asked: "Which Hajj is the best Hajj?" He replied: "One in which voices are raised when saying talbiyah and a sacrifice is offered." (Reported by Tirmizhi and Ibn Majah) Abu Hazim said: "When the Companions put on ihram their voices would become hoarse even before they reached Makkah." In the light of these ahadith the majority of scholars prefers that the pilgrims raise their voices when saying talbiyah.

Malik holds that one must not raise one's voice in saying talbiyah while inside a congregational mosque. One may, however, say it loud enough for oneself or for those around to hear it, except in the Sacred Mosque and the Mosque of Mina. In these two one should raise one's voice when saying talbiyah. This applies to male pilgrims only.

As for women, they may raise their voices when saying talbiyah so that they themselves or those around them can hear it. To raise their voices above that is disliked for them.

'Ata said: "Men must raise their voices (when saying talbiyah), but a woman should raise her voice so as to hear it herself, but she should not raise her voice more than that."

## Fiqh 5.41 a: Places Where Talbiyah is Encouraged

Saying talbiyah is desirable in the following places and times: when mounting one' s mount (or any means of transportation), on arriving at a place, on going up a hill or down into a valley, on meeting another group of people, at the end of every prayer, and early in the morning. Ash-Shafi'i said: "We love to say it at all times."

## Fiqh 5.41 b: Timings of Talbiyah

A pilgrim should begin his talbiyah from the time he wears his ihram and continue it until throwing the first pebble at the Aqabah Jamarah on the 10th of Zhul-Hijjah, the Day of Nahr (sacrifice). Then he should stop saying talbiyah, as the Prophet (peace be upon him) did, according to a hadith transmitted by the Group. Ath-Thawri, the Hanafi school, Ash-Shafi'i, and the majority of scholars also hold this view. Ahmad and Ishaq, however, are of the view that a pilgrim must continue talbiyah until he has stoned all the three jamarahs. After that he may stop saying talbiyah. Malik holds that a pilgrim must continue talbiyah until the end of the Day of 'Arafah (the 9th of Zhul-Hijjah). This applies only to those performing Hajj.

As for those performing 'Umrah, they may discontinue talbiyah after kissing the Black Stone and starting their tawaf. Ibn 'Abbas reports that the Prophet (peace be upon him) used to discontinue talbiyah after kissing the Black Stone (at the start of his tawaf). (Reported by Tirmizhi who considers it a sound hadith. When a person puts on ihram from a miqat he should discontinue ralbiyah on entering the Haram (Sacred Mosque). And those who put on ihram from Ju'rana or Tan'im, they should discontinue it on reaching the houses of Maklcah) In practice, most of the scholars follow this hadith.

## Fiqh 5.42: Desirability of Invoking Blessings on the Prophet (Peace be Upon Him) and Making Supplications

Al-Qasim ibn Muhammad ibn Abu Bakr said: "It is commendable for a pilgrim to send greetings and blessings on the Prophet (peace be upon him) after saying talbiyah." The Prophet (peace be upon him) used to seek Allah's forgiveness, pleasure, and protection from men after having said his talbiyah. (Reported by At-Tabarani and others)

## Fiqh 5.43: Taking a Bath, and Changing Clothes by a Muhrim

Ibrahim An-Nakh'i said: "Whenever our companions approached the well of Maimun, they would take a bath and then put on their best clothes."

It is said that Ibn 'Abbas entered a public bath at Al-Johfah (to take a bath), while he was in the state of ihram. He was asked: "How do you do so while in the state of ihram?" He replied: "Allah does not need any of our dirt and filth!"

Jabir said: "A person in the state of ihram may take a bath and wash his garb." Abdullah ibn Hunain reported: "Ibn 'Abbas and Al-Musawir ibn Makhramah were at Al-Abwa when they disagreed on whether a person in the state of ihram can wash his head. Ibn 'Abbas said: 'A person in the state of ihram is permitted to wash his head.' Al-Musawir differed and said that a muhrim is not allowed to wash his head. At this Ibn 'Abbas sent me to Abu Ayyub Al-Ansari. I found him bathing between the two wooden posts (of the well) and was screened with a sheet of cloth.

"I greeted him and he asked who I was. I replied, 'I am Abdullah ibn Hunain and I have been sent to you by Ibn 'Abbas to ask you how Allah's Messenger (peace be upon him) used to bathe while in the state of ihram. At this Abu Ayub Al-Ansari caught hold of the sheet of cloth and lowered it till his head appeared before me, and then told somebody to pour water on his head. He poured water on his head, and he (Abu Ayub Al-Ansari) rubbed his head with his hands by bringing them from back to front and from front to back and said, 'I saw the Prophet (peace be upon him) doing this."' This is reported by the Group except Tirmizhi. Bukhari added: "Then I came back and told them. And Al-Musawir said to Ibn

'Abbas: 'I will never again argue with you."'

Ash-Shawkani said: "This hadith shows that a muhrim is permitted to take a bath while in the state of ihram and may even cover his head with his hand while doing so."

Ibn al-Munzhir said: "There is consensus that a muhrim may take a bath when in a state of janabah (major impurity). There is disagreement, however, concerning bathing in other cases."

Malik reported from Nafi' that Ibn 'Umar did not wash his head while in the state of ihram except when he had a wet dream."' It is reported that Malik disliked that one should immerse one's head in water while in the state of ihram.

Using soap or any other cleaning agent is permissible. Ash-Shafi'i and Hanbali schools hold one may use perfumed soap for bathing, and similarly women are permitted to undo their hair and comb it, because the Prophet (peace be upon him) ordered 'Aishah, saying: "Undo your hair, and comb it." (Muslim)

An-Nawawi said: "It is permitted to undo the hair and comb it while in the state of ihram provided that no hair is pulled out. Combing, however, is disliked unless there is some genuine reason for it. One may also carry one's belongings on one's head."

### Fiqh 5.44: Wearing a Short Underpants (short underwear)

Sa'id ibn Mansur reported from 'Aishah that she held that a muhrim may wear underpants. Al Hafiz remarked: "This is an opinion of 'Aishah, but the majority of scholars hold wearing underpants is forbidden for a muhrim, because it is similar to wearing trousers which are forbidden for a muhrim." (Bukhari)

### Fiqh 5.44 a: Covering the Face

Ash-Shafi'i and Sa'id bin Mansur reported from Al-Qasim that he said: "Uthman ibn 'Affan, Zaid ibn Thabit, and Marwan ibn Al-Hakam used to cover their faces while in the state of ihram." Taw'us said: "A person in the state of ihram may cover his face if there is dust or ashes." Mujahid said: "If there was a sandstorm they covered their faces while in the state of ihram."

### Fiqh 5.44 b: Women are Allowed to Wear Shoes

Abu Daw'ud and Ash-Shafi'i reported on the authority of 'Aishah that Allah's Messenger (peace be upon him) permitted women to wear their shoes while in the state of ihram.

### Fiqh 5.44 c: Covering the Head by Mistake

The Shafi'i school holds that there is no harm if a pilgrim forgot and covered his head or wore a shirt in a state of forgetfulness. 'Ata said: "There is no blame on such a person, but he should seek forgiveness of Allah." The Hanafi school says that such a person will have to redeem himself (by offering a sacrifice). There is also disagreement on using perfume by mistake or unknowingly. The Shafi'i school holds: "Ignorance and forgetfulness constitute an excuse enough to remove the need for redemption for doing something forbidden, unless it is something that involves damage such as hunting, shaving, and clipping nails." This is the correct position according to them. We will deal with it at its proper place.

### Fiqh 5.45: Cupping, Opening an Abscess, Pulling a Tooth or Cutting a Vein

It is substantiated that Allah's Messenger cupped himself in the middle of his head while he was in a state of ihram. Malik said: "There is no blame upon a muhrim if in case of need, he opens an abscess,

wraps a wound or severs a vein."

Ibn 'Abbas said: "A person in the state of ihram may pull his tooth or open an abscess." An-Nawawi said: "If a muhrim wants cupping without any reason, and it necessitates cutting hair, then it is unlawful to do so. But if it does not necessitate cutting hair, the majority of scholars hold it permissible. Malik, however, hold that it is disliked. Al-Hasan is of the opinion that one must sacrifice an animal if one does so, even if it does not involve cutting any hair. But if it is done because of a need, then it is permissible, but one will have to pay a ransom to redeem oneself. Zahiri school holds that an atonement is required only for cutting hair from the head.

### Fiqh 5.45 a: Itching in the Head and Body

'Aishah was asked about a pilgrim who has itching in his or her body. She said: "Yes, he or she may scratch as strongly as he or she likes." This hadith is reported by Bukhari, Muslim and Malik, who added: "If both of my hands were tied, and only my leg was free, I would use it to scratch myself." The same was reported from Ibn 'Abbas, Jabir, Sa'id ibn Jubair, 'Ata and Ibrahim An-Nakh'i.

### Fiqh 5.45 b: Looking in the Mirror and Smelling Sweet Basil

Ibn 'Abbas said: "A person in a state of ihram is permitted to smell sweet basil, look in a mirror, and cure himself by eating butter and oils." 'Umar bin Abdul 'Aziz used to look in the mirror and use the tooth stick (siwak) while in a state of ihram.

Ibn Al-Munzhir said: "There is consensus among the scholars that a muhrim may eat oil, fat, and butter, but he is not permitted to use perfume all over his body.

Hanafi and Maliki scholars hold it is disliked for a muhrim to stay at a place which is full of perfume or scent, whether he intended to smell it or not. Hanbali and Shafi'i schools are of the opinion that if such a person does so intentionally it is unlawful for him, otherwise there is no harm. The Shafi'i school holds that sitting at a perfumer in an incensed place is permissible, because its prohibition will make things difficult. Applying perfume is not desirable; one should avoid it unless one is sitting in a place where one cannnot avoid it, for example, if one is sitting in the Sacred Mosque when it is scented. In this there is no harm, nor is it disliked, because sitting at this place is a means of achieving closeness to Allah, and to abandon it for something which is at best only permissible is not desirable. One may carry the perfume in a bottle or wrapped in a cloth and one is not required to make any atonement for doing so.

### Fiqh 5.46: Wearing a Belt Pocket Around the Waist to Keep One's Money and Wearing a Ring

Ibn 'Abbas said: There is no harm if a muhrim wears a ring, or a belt pocket to keep his money.

### Fiqh 5.46 a: Wearing Kohl in the Eye

Ibn 'Abbas said: A person in a state of ihram may wear kohl if his or her eyes are sore, provided the kohl is not perfumed. There is consensus among scholars on its permissibility for treatment but not as a means for beautification.

### Fiqh 5.46 b: Sitting Under the Shade of an Umbrella, a Tent, a Roof, etc.

Abdullah ibn 'Amer reported: " 'Umar used to throw a piece of leather on a tree and sit under its shade while he was in the state of ihram." This is reported by Ibn Abi Shaiba.

Ummul-Hussain reported: "I performed the Farewell Hajj with the Prophet (peace be upon him). I saw Usamah ibn Zaid and Bilal. One of them was holding the noseband of the Prophet's she-camel, and the

other was shading him with a cloth from the sun until he threw the pebbles at 'Aqabah." This is reported by Ahmad and Muslim. 'Ata said: "A muhrim may shade himself from the sun, and take shelter to protect himself from rain and wind." Ibrahim An-Nakh'i reported: "Al-Aswad ibn Yazid threw a cloth over his head for shelter from rain while he was in the state of ihram."

### Fiqh 5.46 c: Using Henna

The Hanbali school holds that using henna for dyeing any part of the body, except the head, is not forbidden for a muhrim, male or female. The Shafi'i school holds that a male muhrim may use henna for dying any part of the body, except hands and feet, dying of which without any genuine cause is not permissible in the state of ihram. Also covering one' s head with thick (layers of) henna is not permissible. They also hold that it is not desirable for a woman in the state of ihram to use henna, and that it is unlawful for her to do so if she is in 'iddah after the death of her husband.

The Hanafi and the Maliki schools on the other hand, hold that a muhrim, male or a female, is not permitted to use henna for dyeing any part of the body because it is a perfume, and a muhrim is not allowed to wear perfume during the state of ihram. Khawlah bint Hakim reported from her mother that the Prophet (peace be upon him) told Umm Salamah: "Do not wear perfume while you are in the state of ihram. nor touch henna, because it is a perfume." (Reported by At-Tabarani in Al-Kabir, Al-Baihaqi in his Al-Ma 'rifah, and by Ibn Abdul-Barr in his work At-Tamheed)

### Fiqh 5.46 d: Punishing a Servant for Discipline

Asma bint Abi Baker reported: "We went for Hajj with the Prophet (peace be upon him). When we reached a place called 'Arj the Prophet (peace be upon him) stopped, and so did we. 'Aishah sat by the Prophet (peace be upon him), and I sat next to Abu Bakr. Their travel supplies were with a servant of Abu Bakr. He sat down waiting for his servant. When the servant came he was walking on foot, and had no camel with him. Abu Bakr asked him about his camel. The servant replied: 'I lost it yesterday.' At this Abu Bakr got angry and said to him: 'You had only one camel (to look after) and you lost it.' And he beat him. The Prophet (peace be upon him) smiled and said: 'Look at this muhrim--Abu Bakr! What is he doing?' And he kept on smiling and repeating this." (Reported by Ahmad, Abu Daw'ud, and Ibn Majah)

### Fiqh 5.47: Killing Flies, Fleas, and Lice

'Ata was asked by a man about the fleas or ants that vexed him while he was in the state of ihram. He replied: "You may throw away what does not belong to you." Ibn 'Abbas said: "A muhrim may kill lice and ticks."

A muhrim may also remove fleas from his camel. 'Ikrimah reported that Ibn 'Abbas once ordered him to kill the ticks off his camel while they were both in the state of ihram. 'Ikrimah, disliked doing so. Then, Ibn 'Abbas commanded Ikrimah to slaughter a camel, which he willingly did. Thereupon Ibn 'Abbas asked him, "Do you know how many ticks you just killed?"

### Fiqh 5.47 a: Killing the Five Vicious Animals and Others that are Harmful

'Aishah reported that the Prophet (peace be upon him) said: "Five of the animals are vicious and they may be killed in the sacred precincts of Haram: the crow, the kite, the scorpion, the mouse, and the ravenous dog. This is reported by Muslim and Bukhari, who added "(and) the snake."

There is consensus among the scholars that the small crow which eats the seeds, is not included in the category of the above animals. Under the ravenous dog is included one that bites people and frightens them and all other similar vicious animals that attack humans such as the lion, tiger, leopard and wolf. Thus Allah said: "They ask you what is lawful to them (as food). Say: 'Lawful to you, are (all) things good and pure: And what you have taught your trained hunting animals 8 (to catch) in the manner directed to you by Allah"' (Qur'an 5.4). The Hanafi scholars hold, however, that the word "vicious dog"

in this case applies only to dogs and wolves.

Ibn Taimiyyah is of the opinion that a muhrim may kill any harmful creature that usually causes harm to humans, such as snake, scorpion, mouse, crow, and a vicious dog. He is also permitted to defend himself against whatever harms him, whether animals or people; if they assault him, he should fight them back. The Prophet (peace be upon him) said: "He who is killed while defending his wealth is a martyr, and he who is killed while defending his life is a martyr, and he who is killed while defending his religion is a martyr, and similarly he who is killed while defending his honor is also a martyr."

Ibn Taimiyyah further said: "If fleas and lice bite him, a muhrim should cast them out. He may also kill them, and incur no penalty. Casting them out is, however, easier than killing them. Similarly a muhrim is forbidden to kill any animal that he sees, such as a lion, a leopard, etc. But, most of the scholars hold that if he should kill one of these animals, he is not required to make any atonement. Looking for lice without feeling any bite, for comfort and pleasure, however, while one is in the state of ihram, should be avoided. But if someone does it, he is not required to make an atonement.

## Fiqh 5.49: RESTRICTIONS OF IHRAM

The Law Giver forbids certain things for a muhrim after he dons the ihram garb:

1 Sexual intercourse and all matters leading to it such as kissing, touching, or talking with one's wife about intercourse or related matters.

2 Committing sins that cause a man to deviate from the path of obedience to Allah.

3 Disputing, arguing or fighting with companions, servants or others.

The basis of this prohibition are the words of Allah: "Let there be no obscenity nor wickedness nor wrangling in the Hajj" (Qur'an 2.197). Both Bukhari and Muslim reported on the authority of Abu Hurairah that the Prophet (peace be upon him) said: "He who performs Hajj, committing no obscenity, nor wickedness, nor wrangling, will return home free of sins as the day his mother bore him."

4 Wearing any sewn clothes, such as a shirt, hooded robes, cloak, underpants or wrapping anything around the head, a cap or a fez, etc. Likewise one is not permitted to wear clothes dyed with a nice fragrant dye or to wear shoes or sewn slippers.

Ibn 'Umar reported that the Prophet (peace be upon him) said: "A person in a state of ihram is not allowed to wear a sewn shirt, a turban, a hooded robe, underpants, a cloth that has been dyed with sweet smelling fragrance (such as saffron), shoes or sewn slippers, unless one is unable to find regular unsewn slippers, then one may wear his shoes provided one cuts them down to the ankles." This was reported by Bukhari and Muslim. There is agreement among the scholars that these restrictions apply to men only.

As for a woman pilgrim, she may wear all of the above. But she is forbidden to use perfumed clothes, a veil that covers the face, and gloves.

Ibn 'Umar reported: "Allah's Messenger (peace be upon him) forbade women pilgrims from wearing gloves, veils, and clothes dyed with saffron or warse. (A sweet smelling plant that was used to dye clothes yellow) Besides these, they may wear anything else, any color, silk clothes, ornaments, trousers, or a shirt or shoes." (Reported by Abu Daw'ud, Al-Baihaqi and Al-Hakim, with a sound chain of authorities)

Bukhari reported that 'Aishah wore a dress that was dyed with 'usfur (Usfur: safflower, the red dyestuff prepared from its flower heads) while she was in a state of ihram, and she said: "A woman must neither wear a veil to cover her face, nor wear clothes that are dyed with saffron or other fragrant

dyeing material." Jabir said: "I do not consider 'usfur a scent."

'Aishah held that there is no harm for women pilgrims in wearing ornaments, black or rose-colored clothes and shoes.

Bukhari and Ahmad have reported that the Prophet (peace be upon him) said: "A pilgrim woman must neither cover her face nor wear gloves." This proves that a woman in the state of ihram should not cover her face and hands. The scholars, however, say that there is no harm if she covered her face with something other than a veil. She may also use an umbrella or similar item as a screen between men and herself. But if she is afraid of tempting others she must cover her face.

'Aishah said: "Men on camels used to pass by us while we were with the Prophet (peace be upon him) and in the state of ihram. We would cover our faces with our gowns when they passed by us, and then uncover them again." This is reported by Abu Daw'ud and Ibn Majah. 'Ata, Malik, AthThawri, Ash-Shafi'i, Ahmad, and Ishaq hold that it permissible for women to cover their faces in the state of ihram.

### Fiqh 5.50: A Man Without Garb or Shoes for Ihram

A person who has no proper garb and shoes for Hajj may wear whatever is available to him. Ibn 'Abbas reported that Allah's Messenger (peace be upon him) delivered a sermon at 'Arafah saying, "A Muslim (pilgrim) who finds no suitable garb (for ihram), may wear trousers, and if he finds no suitable slippers, he may wear shoes." (This is in the case of a man who finds these things are either not available, or he has no extra money to buy them) This is reported by Ahmad, Bukhari and Muslim. In Ahmad's narration from 'Ata ibn Dinar we read that Aba Al-Sha'sha informed him that Ibn 'Abbas heard the Prophet (peace be upon him) saying, "He who finds no garb (for ihram), but has trousers, he may wear them, and he who finds no (suitable) slippers but has shoes, he may wear them." At this I (Aba Al-Sha'sha) asked him: "And did he say anything about cutting them?" Ibn 'Abbas said: "No."

Ahmad, therefore, holds that a muhrim who finds no proper garb or slippers may wear his trousers and shoes, as shown by the hadith of Ibn 'Abbas, without being required to make any atonement for doing so. (Ibn Qayyim also prefers this view)

The permission to wear one' s shoes in case of not having suitable slippers is, according to the majority of scholars, conditional on cutting the shoes down to the ankles, for this makes shoes similar to slippers. These scholars conclude this from the above mentioned hadith of Ibn 'Umar in which we read: "If he does not find slippers and finds shoes, he should cut them down to the ankles." The Hanafi scholars hold that he who has no garb for Hajj must unsew his trousers before using them as a garb. But he who wears them as they are (without unsewing them) he must make atonement for doing so.

Malik and Ash-Shafi'i, however, are of the view that such a person may wear his trousers as they are, without incurring any penalty, as shown by a hadith of Jabir ibn Zayd from Ibn 'Abbas that the Prophet (peace be upon him) said: "If a person does not find the garb for ihram, he may wear trousers; if he does not find slippers, he may wear shoes after cutting them down to the ankles." (Reported by Nasa'i with a sound chain) Such a person must take off his trousers and put on a proper garb when and if he finds one. But if a person finds no proper upper Hajj garment, he should not wear his shirt, for unlike trousers one can do without it.

### Fiqh 5.51: Contracting a Marriage, or Acting on Behalf of Others, or Acting as a Guardian for Someone

Such a marriage contract is invalid, null and void, and is not binding as reported in a hadith transmitted by Muslim and others. It is reported that 'Uthman ibn 'Affan said: The Prophet (peace be upon him) said: "A muhrim must not contract marriage, nor help others contract marriage, nor get engaged for marriage." Malik, Ash-Shafi'i, Ahmad, and Ishaq are also of the same opinion. They hold that it is not permissible for a muhrim to contract a marriage and regard any marriage thus contracted as invalid. Tirmizhi has also reported it but without the words "nor get engaged for marriage." Tirmizhi considers

this a sound hadith and remarks that the Companions of the Prophet (peace be upon him) practiced it.

Some of the reports that say the Prophet (peace be upon him) "married Maimunah while he was a muhrim" are contrary to the report transmitted by Muslim that "he married her while he was no longer in the state of ihram."

Tirmizhi said: "There is disagreement concerning the marriage of the Prophet (peace be upon him) to Maimunah, for he married her on his way to Makkah. Some said: 'He married her before he put on ihram, but the news of his marriage became known while he was in the state of ihram. Later he consummated his marriage with her in Saraf, on the road to Makkah, after he was free from the restrictions of ihram.'

Hanafi scholars, however, hold that a muhrim may contract a marriage, because in the state of ihram what is forbidden is not marriage with a woman, but only the consummation of marriage. Contracting a marriage is permissible, but intercourse is forbidden.: Wearing Kohl in the Eye

## Fiqh 5.52: Clipping Nails, Shaving, Cutting or Removing Hair by any Means, from the Head or any Part of the Body

Allah says: "And do not shave your heads until the offering reaches the place of sacrifice." (Qur'an 2.196)

There is consensus among the scholars that a person in the state of ihram is forbidden to clip his fingernails without any genuine excuse. However, if a nail is broken, one may remove it without incurring any penalty.

Removing the hair is permitted, if it becomes bothersome. In such a case one must pay atonement, except for the removal of hair of the eye if it bothers him. (The Maliki scholars hold there is a penalty for removing hair of the eyes) Allah the Almighty says: "And if any of you is ill, or has an ailment in his scalp (necessitating shaving), he should in compensation either fast, or feed the poor, or offer sacrifice." (Qur'an 2.196) This will be discussed later.

## Fiqh 5.52 a: Using Perfume on Body or Clothes by a Man or Woman

Ibn 'Umar reported that 'Umar smelled the pleasant smell of perfume coming from Mu'awiyah while the latter was in the state of ihram. 'Umar commanded him: "Get back, and wash it off. I have heard the Prophet (peace be upon him) saying: 'A pilgrim must be unkempt and without any perfume." This is reported by Al-Bazzar with a sound chain.

The Prophet (peace be upon him) said: "Wash away the perfume that you are wearing." He repeated this thrice. The body of a deceased muhrim should neither be perfumed during the washing, nor any perfume be applied to his shroud. (Abu Hanifah, however, holds it is permissible) Concerning a muhrim dying in the state of ihram, the Prophet (peace be upon him) said: "Do not cover his head, nor perfume his body, because on the Day of Resurrection he will be raised with talbiyah on his lips." There is no harm, however, if some of the perfume used by a muhrim on his body or clothes before entering the state of ihram is left over.

It is permissible, however, to smell the things that are not planted for their scent such as apples and quince. These plants are similar to other plants that are not planted for their scent, nor is it extracted from them.

As for the perfume that one may acquire from touching the Ka'bah, there is no harm. Sa'id bin Mansur reported that Salih bin Kaisan said: "I have seen Anas bin Malik in the state of ihram, while some perfume from the Ka'bah was rubbed on his Hajj garb, but he did not wash it off." 'Ata said: "Such a person does not have to wash it off, nor does he need to make any atonement." The Shafi'i school holds that if someone purposely did so (applied perfume), or was accidently perfumed, and he could

wash it off, but he did not do so, he would be committing a wrong for which he will have to pay a penalty."

### Fiqh 5.53: Wearing Clothes Dyed with Scented Material

There is agreement among scholars that wearing a Hajj garb dyed with a scented material is disallowed unless it is washed and its smell removed. Nafi'i reported from Ibn 'Umar that Allah's Messenger (peace be upon him) said: "Do not wear (while in the state of ihram) any clothes dyed with warse or saffron without washing them." This is reported by Ibn Abdul Barr and At-Tahawi.

Wearing scented clothes is disliked for those in leading positions in life, because the masses may imitate them and wear scented clothes which are not permitted. Malik has reported from Nafi' that he heard Aslam, the freed-slave of 'UmarbinAl-Khattab, saying to Abdullahbin 'Umar: "'UmarbinAl-Khattab saw Talhah bin Obaidullah wearing a dyed garb in the state of ihram. At this 'Umar said to him: 'O Talhah, what is this garb!' Talhah replied: 'O Chief of the Faithful, this is dyed with a reddish dye (that has no smell)." 'Umar said: "O People! You are leaders for others. If a layman saw you wearing this garb he would say: "I saw Talhah bin Obaidullah wearing dyed garb in the state of ihram. O People! Do not wear any of these dyed garbs."

There is no harm, however, in using some scent in cooking or drinks when its taste, color or smell is eliminated. If a muhrim partakes of it, he does not have to make any atonement. The Shafi'i school holds that partaking of such food or drink makes an atonement necessary if the smell persists.

The Hanafi school is of the view that that there is no penalty on him, because he did not partake of it to enjoy its perfume.

### Fiqh 5.53 a: Engaging in Hunting

A muhrim may fish, eat sea game, or mention any kind of sea food. It is forbidden, however, for a muhrim to hunt on land, by killing or by slaughtering. It is also forbidden for a muhrim to point it out if it is visible, or indicate its place if it is invisible, or scare it off. It is also forbidden for him to spoil eggs of animals living on land. Buying, selling them, or milking these animals is also forbidden in the state of ihram. The Qur'an says: "Lawful to you is the pursuit of water game and its use for food - for the benefit of yourselves and those who travel; but forbidden is the pursuit of land game - as long as you are in the Sacred Precincts or in pilgrim garb." (Qur'an 5.96)

### Fiqh 5.53 b: Eating Game-Meat

A muhrim is forbidden to partake of any land game prepared for his sake, at his suggestion or with his help. Abu Qatadah reported that Allah' s Messenger (peace be upon him) went for Hajj and they also went with him. The Prophet (peace be upon him) dispatched a group, including Abu Qatadah, and told them: "Follow the seashore until we meet again." All of them except Abu Qatadah were in the state of ihram. On the way, they saw a herd of zebras. Abu Qatadah attacked them and killed a female zebra. They all ate of its meat but said: "Is it permissible for us to partake of this land game in the state of ihram?" Then they carried the rest of the meat to the Prophet (peace be upon him), and told him the whole story. The Prophet (peace be upon him) said to them: "Did any one of you ask Abu Qatadah to attack the herd, or point it out to him?" They said: "No." He said, "Then, you may eat what is left of the quarry." This is reported by Bukhari and Muslim.

A muhrim may eat the meat of a game which is neither killed by him, nor for him, nor pointed out by him to someone else, and in the hunting of which he did not help others.

Al-Muttalib reported from Jabir that Allah's Messenger (peace be upon him) said: "The (eating of) land game is lawful for you in the state of ihram provided you yourselves do not kill it but it is killed for you (by someone else)." This is reported by Ahmad and Tirmizhi, who said: "Jabir's hadith is explanatory, but we do not know the narrator who reported it from Jabir to Al-Muttalib."

Some of the schol;lrs follow this principle and consider that eating meat of land game is lawful for a muhrim if he does not hunt it, nor is it hunted for his sake. Ahmad, Ishaq, Malik and the majority of scholars hold a similar view. Ash-Shafi'i said: "This is the best and the most correct hadith reported on this issue."

The eating of a land game hunted by a muhrim or for a muhrim is unlawful for him, whether it is done with or without his permission. But, if someone else who is not in the state of ihram, hunted it for himself, and offered or sold some of it to a muhrim, he is permitted to partake of it.

Abdur-Rahman bin 'Uthman At-Taimi reported: "We went for Hajj with Talhah bin Obaidullah. While we were in the state of ihram, some meat of birds was given to Talhah. He was asleep. Some of us ate of this meat, while others refrained. When Talhah woke up (and was told about this) he approved of those who had eaten it and said: "We used to eat such meat while we were with Allah's Messenger (peace be upon him). (Reported by Muslim and Ahmad) Other ahadith forbid a muhrim eating the meat of a land game, such as the one reported from As-Sa'ab bin Jathamah al-Laithee which says: "Someone presented meat of a zebra to the Prophet (peace be upon him), while he was in the area known as Al-Abwa or Bawaddan. The Prophet (peace be upon him) declined it, but when he saw marks of disquiet on the presenter's face, the Prophet (peace be upon him) said to him: "We declined (your) present only because we are in the state of ihram."

Considering the assumption behind declining the meat--that it was hunted for the sake of those who were in the state of ihram--these ahadith can be reconciled. The people who were not in the state of ihram meant to hunt for those who were in the state of ihram. Ibn Abdul Barr said: "The argument of those holding this view is that it is supported by sound ahadith on this subject. When taken in this sense we find no contradiction or disagreement in these ahadith. All Sunan should be interpreted in this manner. They do not contradict or disagree with each other when applied in their proper contexts. Ibn Al Qayyim prefers this opinion, and says: "All the traditions of the Companions approve of this course."

## Fiqh 5.55: Penalty for Violating Sanctity of Ihram

A muhrim who for a genuine reason is compelled to violate any of the restrictions of ihram, like shaving his head, wearing sewn clothes because of cold or heat or something else, with the exception of having sexual intercourse with his spouse, (For details on this see the following pages) he may do so, but he will have to slaughter a sheep, or feed six needy people, (Each needy person should be given at least the equivalent of half sa in measure) or fast three days to atone for it.

Violation of restrictions of ihram other than sexual intercourse does not invalidate Hajj or 'Umrah. Sexual intercourse with one's wife invalidates Hajj or 'Umrah. Abdur Rahman bin Abi Laila reported from K'ab bin 'Ujrah that Allah's Messenger (peace be upon him) passed by him while in Hudaibiyah and said, "Are the lice in your head bothering you?" He said, "Yes." The Prophet (peace be upon him) said, "Shave your head and slaughter a sheep, or fast three days or give a measure of three sa ' of dates to six needy people." (Reported by Bukhari, Muslim and Abu Daw'ud) In another report the same narrator says: "Lice infested my hair and bothered me, while I was with Allah ' s Messenger (peace be upon him) during Hudaibiyah. It got so bad that I was afraid of losing my sight. Then Allah, the Almighty revealed the Qur'anic verse (2.196) "And if any of you is ill or has an ailment in his scalp (necessitating shaving) (he should) in compensation either fast or feed the poor or otfer sacrifice." Upon this Allah's Messenger (peace be upon him) called me and said: "Shave your head, or fast three days or feed six poor persons one farq (A measure commonly used in Madinah at the time of the Prophet, it is roughly equivalent to sixteen Iraqi rotl) of raisins, or slaughter a sheep." So I shaved my head and slaughtered a sheep."

With regard to penalty Ash-Shafi'i makes no distinction between a muhrim who is compelled to violate ihram by some genuine need, and one who does so without any genuine cause. In either case penalty must be paid to atone tor violation. Abu Hanifah holds that a person who violates the ihram restrictions without genuine cause must offer a sheep to compensate for his violation, if he can afford it. A person who cannot afford this does not have to make any atonement as mentioned above.

## Fiqh 5.56: Clipping Some Hair Only

'Ata reported that if a person in the state of ihram pulled off three hairs or more, he must slaughter a sheep in compensation for that. This was reported by Sa'id bin Mansur. Ash-Shafi'i also reported from 'Ata that if a muhrim pulled one hair he must give one mudd (A dry measure), and for two hairs two mudds to the needy, but if he pulled more than two hairs then he must offer a sheep in sacrifice.

## Fiqh 5.56 a: Rubbing Oil on the Body in the State of Ihram

It is said in Al Musawwa that according to Abu Hanifah if a muhrim massages any part of his body with pure oil or vinegar he must slaughter a sheep in expiation for it. The Shafi'i school is of the view that if a muhrim used unperfumed oil on his head or beard, then he must slaughter a sheep, but there is no penalty if he uses it on any other parts of his body.

## Fiqh 5.56 b: Wearing Sewn Clothes or Applying Perfume by Mistake or in Ignorance

A muhrim who wears a sewn garment or uses perfume by mistake or through forgetfulness or ignorance of their inadmissibility incurs no penalty.

Ya'la bin Umayyah reported that a man came to the Prophet (peace be upon him) while he was at Al-Ji ranah. The man was wearing a cloak and both his head and beard were dyed and perfumed. He said: "O Allah's Messenger! I declared my intention for an 'Umrah, but I did what you see!" The Prophet (peace be upon him) said to him: "Wash your hair and beard, and take off your cloak, and do in your 'Umrah what you should do in your Hajj." (Reported by the Group except Ibn Majah)

Bukhari reported that 'Ata said: "If a muhrim uses perfume or wears sewn clothes, forgetfully or unknowingly, he incurs no penalty, nor is he required to make any atonement." This is different however, from the case of killing a game - unknowingly or forgetfully - for which a muhrim must slaughter a sheep in compensation, because it involves a monetary guarantee. In matters relating to security of property, knowledge and ignorance, forgetfulness and intention, are all the same, as it is in the cases of guarantee pertaining to people' s property.

## Fiqh 5.56 c: Sexual Intercourse Nullifies Hajj

Ali, 'Umar and Abu Hurairah issued a verdict concerning a man who had sexual intercourse with his wife in the state of ihram. In this verdict they said: "They both must complete their Hajj, but must also make another Hajj the following year and slaughter an animal."

Abu Al-'Abbas At-Tabari said: "If a muhrim had sexual intercourse with his spouse before the first tahallul* from ihram, regardless of whether it was before or after 'Arafah, it will invalidate his Hajj. Such a person, however, must continue performing the rest of his Hajj rites. He must slaughter a camel and make up for his Hajj the following year."

If the wife was in the state of ihram and she accepted what her husband did, she must continue the performance of Hajj, but must also make it up the following year, and besides, according to the majority of the scholars, must also offer a sacrifice. According to 'Ata some scholars hold that the husband and wife may offer only one sacrifice.

In his commentary on hadith, Sharh Al-Sunnah, Al-Baghawi said - and this is the more famous of the two sayings of Ash-Shafi'i - that a man is required to pay the penalty for sexual intercourse on a day in Ramadan. Such a couple should keep apart (Doing so is mandatory according to Ahmad and Malik, but the Hanafi and Shafi'i schools take it as a recommendation) when they go to make the next Hajj (in compensation for the first one) lest they should repeat what they did before.

If such a man is unable to slaughter a camel, then he may slaughter a cow. If he cannot afford it, then

he may slaughter seven (7) sheep. And if he is even unable to do that, then he may estimate the value of the camel, and distribute food of that amount among the poor and needy people, so that every person receives one mudd. If he is unable to do so, then he should fast a day for each mudd thereof.

The scholars said: If a muhrim had sexual intercourse with his spouse before the Day of 'Arafah, then his Hajj will be null and void, and he will have to offer in sacrifice a sheep or one-seventh of a she camel. But if he did so after the Day of 'Arafah, his Hajj will not be invalidated, but he will have to slaughter a camel.

In case such an act is committed by a qarin pilgrim - one combining Hajj with 'Umrah - he must make up for this Hajj qarin with another Hajj qarin and offer another sacrifice just as the pilgrim performing Hajj only does.

Sexual intercourse, if it happens after the first break in ihram (following throwing pebbles and shaving one's head at Mina), does not invalidate Hajj nor does it require Hajj to be repeated later. This is the view of most of the knowledgeable people. But others hold that making up Hajj and offering a sacrifice is mandatory. This is the opinion of Ibn 'Umar, Al-Hasan, and Ibrahim. There is also disagreement as to what animal is to be offered in sacrifice, a sheep or a camel?

Ibn 'Abbas, 'Ikrimah, and 'Ata are of the view that it must be a camel; this is also one of the opinions of Ash-Shafi'i. According to a second opinion of Ash-Shafi'i, a sheep must be offered in sacrifice. Malik agrees with this second opinion.

A muhrim, who had a wet dream or ejaculated by thinking about or looking at a woman, incurs no penalty, according to the Shafi'i school.

These scholars, however, hold that if one kisses or touches his spouse with a sexual desire, he must offer a sheep in sacrifice regardless of whether he ejaculates or not. Ibn 'Abbas holds that such a person incurs penalty and he must slaughter a sheep.

Mujahid said: "A man came to Ibn 'Abbas and said to him: 'Such and such a woman came to me with all her make up while I was in the state of ihram. I could not control myself, and ejaculated. (What should I do?)' Ibn 'Abbas laughed until he fell on his back and said: 'You are very lustful. There is no harm. But you must slaughter a sheep. Your Hajj is complete'." This was reported by Sa'id Ibn Mansur.

## Fiqh 5.59: KILLING A GAME IN THE STATE OF IHRAM

Allah says: "O You Who Believe, kill not game while in the Sacred Precincts or in Pilgrim garb. If any of you doeth so intentionally, the compensation is an offering, brought to the Ka'bah, of a domestic animal equivalent to the one he killed, as adjudged by two just men among you; or by way of atonement, the feeding of the indigent; or its equivalent in fasts; that he may taste of the penalty of his deed. Allah forgives what is past: For repetition, Allah will exact from him the penalty. For Allah is Exalted, and Lord of Retribution." (Qur'an 5.95)

Ibn Kathir said: "The majority holds that as far as the penalty is concerned there is no difference between one who deliberately kills a game and he who does so forgetfully." Az-Zuhri said: "The Qur'an imposed a penalty only on the intentional killer of the game, while the sunnah includes those who kill a game forgetfully." In other words the Qur'an imposes a penalty on an intentional killer for his sin, as is indicated by the words of Allah "...that he may taste the penalty of his deed."

The sunnah of the Prophet (peace be upon him) and the judgments of his Companions show that he who kills a game by mistake must also pay a penalty. Killing a game is a destructive act, and therefore, whether it is inflicted intentionally or forgetfully, makes little difference, though a deliberate killer is guilty of a sin, whereas one who does so by mistake commits no sin.

In Al-Musawwa, it is stated: "In the opinion of Abu Hanifah, the verse: 'If any of you doeth so

intentionally, the compensation is an offering, brought to the Ka'bah, of a domestic animal equivalent to the one he killed' means that one who kills a game must compensate it by sacrificing something similar to or equivalent in price to be decided by two just men." It may be a domestic animal that is brought to the Ka'bah for sacrifice, or else one may feed the needy.

In Ash-Shafi'i's opinion it means that, "Anyone who kills a game while in the Hajj garb must pay a penalty for his act by sacrificing an animal similar in shape and form and two just men must make sure that it is equivalent in value to the game killed. Or else, one must make an atonement or fast for an equivalent number of days."

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## Fiqh 5.60: Some Precedents from 'Umar and Subsequent Generations

Abdul Malik bin Qurair reported from Mohammad bin Sirin that a man came to 'Umar bin Al-Khattab and said: "A friend of mine and I ran after a wild game while we were in pilgrim garb. We killed a deer. What is our atonement?" 'Umar told a man next to him: "Come, you and I must judge together." Then he gave his verdict and told the man to sacrifice a goat in compensation." The man left saying, "This is the Chief of the Faithful, who cannot pass a judgment concerning the killing of a deer!" 'Umar heard the man's remark, and he called him back and asked him: "Have you read Surah Al-Ma'idah (of the Qur'an)?" The man said: "No." 'Umar asked further: "Do you know this man who participated in the judgment with me?" The man said, "No." 'Umar said: 'Had you told me that you have read Surah Al-Ma'idah, I would have made you ache from beating." Then he added: "Allah, the Exalted One, says in His Book: 'If any of you doeth so intentionally, the compensation is an offering, brought to the Ka'bah, of a domestic animal equivalent to the one he killed, as adjudged by two just men among you.' And this man (who judged with me) is Abdur-Rahman bin 'Awf'."

Earlier generations of Muslim scholars gave verdicts that a camel is to be sacrificed for an ostrich, and a cow for a zebra, a stag or a deer, and similarly a sheep for a woodchuck, a pigeon, a turtledove, a mountain quail, and certain other birds. A male sheep is to be sacrificed for a hyena, a goat for a deer, a four month old goat for a rabbit, a baby goat (kid) for a fox, and a four month old goat should be sacrificed for killing a jerboa.

### Fiqh 5.60 a: When One is Unable to Pay the Penalty

Sa'id bin Mansur reported that commenting on the words of Allah "the compensation is an offering, brought to the Ka'bah, of a domestic animal" Ibn 'Abbas said: "If a muhrim kills an animal, an assessment should be made and then he should make compensation. If he has an animal of an equivalent value for the game, he must slaughter it and give its meat in charity, but if he does not have an animal of an equivalent value, he should assess the value of the game and then give away food for that amount. In case one does not have money for it, then, one must fast one day for each half sa' of food. If a muhrim killed a game, he must slaughter a similar animal according to the judgment of two just men. If one killed a deer or similar animal, one must slaughter a sheep in Makkah. If one cannot buy a sheep, then, one must feed six poor people, and if one cannot afford that, then one must fast three days.

If one killed a male adult deer or similar animal, he must slaughter a cow, otherwise one must feed twenty needy people, or fast for twenty days. If an ostrich or zebra or similar animal is killed, one must fast thirty days. This is reported by Ibn Abi Hatem and Ibn Jarir. They also added to this the words: "The food given to the needy must be sufficient to satisfy their hunger."

### Fiqh 5.61: How to Feed and Fast

Malik said: "The best thing that I heard concerning this matter is that the price of the killed game must be assessed, or the food that can be bought with that amount. Then the killer must give to every needy person one mudd of food or else he must fast an identical number of days, one day for each mudd (of food). He must estimate the number of the needy that could be fed with that food. One must fast ten days if the money could feed ten poor people, fast twenty days, if twenty people could be fed for that amount, and so forth whatever their number, even sixty or more."

### Fiqh 5.61 a: Joint Killing of a Game

If a group of people participated in killing a game intentionally, they are to pay one penalty only, because Allah says "the compensation is an offering of a domestic animal." Ibn 'Umar was asked about a group of people who had jointly killed a hyena while they were in the state of ihram. Ibn 'Umar told them, "Slaugther a ram." They asked, "Should we slaughter a ram for each person of our group?" He said, "No. Slaughter only one ram on behalf of all of you."

## Fiqh 5.61 b: Killing a Game Within the Sacred Precincts and Cutting Trees

It is forbidden for both a muhrim and a non-muhrim to kill the game in the sacred precincts of Haram, or to frighten it, or to cut its trees that are not planted by the people, or to cut tender plants, including thorns, except for the plants called Izhkher and Sana which may be cut, pulled or weeded out.

Ibn 'Abbas reported that on the day of the conquest of Makkah the Prophet (peace be upon him) said, "Verily, this is a Sacred City, its thorns and its plants must not be cut, its wild game must not be frightened, and none is allowed to pick up lost articles unless one knows its owner (in order to return it to him)."' 'Abbas added, "Except (for the plant) Izhkher" which is used by blacksmiths and burned in households." The Prophet (peace be upon him) excluded this plant, saying, "Except izhkher." (Bukhari)

Ash-Shawkani said: "Qurtubi said: 'Jurists hold that the trees forbidden to be cut are the wild trees or plants that are not planted or grown by people. As to the trees grown by men there is disagreement among scholars. The majority holds it permissible to cut trees grown by men.

Ash-Shafi'i said: "Cutting any tree or plant is punishable." Ibn Qudamah also holds this view. There is also disagreement on punishment for cutting the first kind of trees.

Malik holds there is no penalty for it, although one who does this commits a sin. 'Ata opined: "Such a person should seek Allah's forgiveness." Abu Hanifah is of the opinion that such a person must compensate for it by sacrificing an animal equivalent in value to the damage caused by him. Ash-Shafi'i said: "For cutting a big tree one must slaughter a cow in compensation, and for a smaller tree a sheep."

The scholars, however, make an exception in making use of broken branches, fallen trees, or leaves. It is permissible to use these. Ibn Qudamah said: "There is agreement on the permissibility of using herbs, flowers, grass and tender plants grown by men within the sacred precincts of Haram."

The author of Al Rawdah al-Nadiyyah says: "The dwellers of the Haram, who are not in the state of ihram, incur sin, but no penalty for killing a game or cutting a tree within the Sacred Precincts." As for those who are in the state of ihram, they must pay the penalty prescribed by Allah for killing a game. But for cutting a tree in Makkah they incur no penalty, because the evidence in this regard is not strong enough. The hadith which states "If one cuts a big tree, he must slaughter a cow in compensation" is not a sound hadith. What is related from earlier scholars and their opinions on this issue, cannot be taken as conclusive by themselves.

The author continues: "In short, there is no connection between prohibition of killing game and cutting trees, and the obligation of paying a penalty or giving away an amount of equivalent value in atonement. Prohibition, however, is clear from what is forbidden. The penalty or equivalent value can be applied only when there is clear evidence to establish it. But the only evidence we have in this matter is the words of Allah "...Kill no game while in the Sacred Precincts or in pilgrim garb..." In this verse only penalty is mentioned; nothing else is essential (wajib).

## Fiqh 5.63: SACRED PRECINCTS OF MAKKAH (HARAM MAKKAH)

The Sacred Precincts of Makkah include the area around Makkah, marked by stones a meter high, on all roads leading to, or from Makkah.

On the northern side Haram Makkah extends to Tan'im, six kilometers from the Sacred Mosque, and on the southern side to Adah, twelve kilometers from Makkah. On its eastern side, sixteen kilometers away, lies al-Ji'ranah, while on its northeastern border lies the valley of Nakhlah, which is fourteen kilometers from Makkah. On the western border lies Al-Shmaisi, (This place used to be called Al-Hudaibiya. It was here that the Prophet (peace be upon him) took the famous pledge - bai 'at ridwan - from his Companions. The Battle of Al-Hudaibiya is named after it) fifteen kilometers from Makkah.

Muhibbuddin At-Tabari reported from Az-Zuhari from Obaidullah bin Abdullah bin 'Utba and said:

"Prophet Ibrahim (peace be upon him) put up markers for the Sacred Precincts as shown to him by Gabriel (peace be upon him)." These markers were undisturbed until the time of Qusaiy, who renewed them. After that the Prophet (peace be upon him), in the year of the conquest of Makkah, sent Tamim bin Osaid al-Khozai'i to refurbish them. Later 'Umar appointed four men from Quraish, Muhrama bin Nawfal, Sa'id bin Yarbu', Howaiteb bin Abdil-Uzza, and Azhar bin Abd-Auf, to renew these markers. Subsequently, first Mu'awiyah and then Abdul-Malik refurbished them.

## Fiqh 5.63 a: Sacred Precincts of Madinah (Haram Madinah)

In the Sacred Precincts of Madinah killing a game and cutting its trees is prohibited as it is in the case of Haram Makkah. Jabir bin Abdullah reported that Allah's Messenger (peace be upon him) said: "Ibrahim (peace be upon him) made Makkah Haram (sacred), and I declare Madinah and what lies between its two black tracts Haram. No game (within this area) is to be killed, nor any adah - a thorny plant - growing therein is to be cut." (Muslim)

Ali reported that concerning Madinah the Prophet (peace be upon him) said: "Its plants must not be cut, its game must not be frightened, articles lost in it must not be picked up except by someone making announcement to find the owner, nor is any man to bear arms for fighting in it. Its trees must not be cut, except when (required for) feeding one's camels." (Reported by Ahmad and Abu Dawud) Both Bukhari and Muslim report that the Prophet (peace be upon him) said, "Madinah is Haram (Sacred) and its Sacred Precincts extend from 'Eer to Thowr." (Eer is a mountain at the miqat for Madinah, and Thowr is a mountain near Uhud on the north) Another agreed upon hadith reported from Abu Hurairah says, "The Prophet (peace be upon him) declared the area between the two black tracts of Madinah as sacred and then extended it to about twelve miles around Madinah." The Prophet (peace be upon him) permitted the residents of Madinah to cut trees for making plows, carts and other necessary tools and equipment. He also permitted them to cut its grass to feed their animals. Ahmad reported from Jabir bin Abdullah that the Prophet (peace be upon him) said: "The area between two black tracts of Madinah is a Haram (a sanctuary). No tree must be cut (within this area) except for use as fodder for animals."

Unlike this the residents of Makkah, who have sufficient supply for their animal feed, are not permitted to cut even the grass to feed their animals. The residents of Madinah are not self-sufficient and are therefore allowed to use trees and grass for their animals.

But killing the game or cutting off the trees in the sanctuary of Madinah carries no penalty nor requires any compensation, although doing so is a sinful act.

Anas reported that the Prophet (peace be upon him) said, "Madinah is a sanctuary from such and such a place to such and such a place, and (within this area) its trees shall not be cut, nor any (unlawful) act committed, and whoso does so on him shall rest the curse of Allah, His angels and the entire mankind." (Bukhari)

It is permissible to pick up and use branches of a fallen tree within this sanctuary. Sa'ad bin Abi Waqqas reported that while on his way to his palace at 'Aqiq he found a slave cutting off a tree or hitting and shaking it for leaves. Sa'ad seized whatever the slave had gathered. The owners of the slave went to Sa'ad and asked him to return to them what he had seized from the slave. Sa'ad said, "Allah forbid that I should return something which Allah's Messenger has given me as a gift." And saying this he refused to return it to them. (Muslim)

The Prophet (peace be upon him) said, "If you find anyone hunting a wild game within the sacred bounds of Madinah you may seize it from him." (Abu Dawud, and Al-Hakim, who considers it a sound hadith) This is reported by Abu Daw'ud, and Al-Hakim, who considers it a sound hadith.

## Fiqh 5.65: Is There Any Other Sanctuary Besides Makkah and Madinah?

Ibn Taimiyyah said, "There is no other sanctuary in the whole world besides these two, not even the Al-

Aqsa Mosque of Jerusalem, nor any other, even though some ignorant people call them Haram al-Maqdis and Haram al-Khalil. By consensus Haram Makkah is the only Haram (sanctuary). About Madinah there is no such consensus. A majority of scholars, however, hold that Madinah is also a sanctuary, as mentioned in ahadith on this subject.

Muslim scholars disagree about a third sanctuary, namely, Wuja, a valley of Al-Ta'if. Ash-Shafi'i regards it a sanctuary. Ash-Shawkani agrees with him, but the majority of the scholars disagree and do not consider it a sanctuary."

### Fiqh 5.65 a: Excellence of Makkah Over Madinah

The majority of scholars believes Makkah has preference over Madinah.

Abdullah bin 'Adi bin Al-Hamra reported that he heard Allah's Messenger (peace be upon him) saying, "By Allah ! You (O Makkah) are the best of Allah' s land, and most beloved to Him. Had I not been driven away from you, I would have never departed (from you)." (Ahmad, Ibn Majah and Tirmizhi) Ibn 'Abbas said: "Allah's Messenger (peace be upon him) addressed Makkah saying, 'How nice a place you are! You are the most beloved place to me! If my people had not driven me away from you I would have never departed (from here) to live somewhere else."(Tirmizhi considers it a sound hadith)

### Fiqh 5.65 b: Entering Makkah without Ihram

One may enter Makkah without putting on a garb of ihram if one does not intend to make Hajj or 'Umrah. One may be a frequent visitor to Makkah as a wood-cutter, a grass cutter, a water carrier, or a hunter, etc., or not a frequent visitor such as a merchant or a visitor. Regardless of whether one enters it in a state of security or fear, all such people may enter Makkah without ihram if they do not intend to perform Hajj or 'Umrah. This is Ash-Shafi'i's opinion which, of his two views, is the more accurate one, and is also supported by his companions.

Muslim reported that Allah's Messenger (peace be upon him) entered Makkah wearing a black turban and without an ihram. It is said about Ibn 'Umar that he returned after travelling part of the way and entered Makkah without ihram.

Both Ibn Shihab and Ibn Hazm hold entering Makkah without the ihram garb permissible. The Prophet (peace be upon him) set the markers (Mawaqit) around Makkah only for those who intended to perform Hajj or 'Umrah.

Wearing ihram is not compulsory for those who pass these markers if they do not intend Hajj or 'Umrah. Allah and His Prophet (peace be upon him) did not forbid entering Makkah without ihram. To insist on it is obligating people to which they are not obligated by Shari'ah.

### Fiqh 5.66: Encouraged Acts for Entrants to Makkah and the Sacred Mosque

It is desirable for those intending to visit Makkah to do the following:

1 To take a bath. It is reported that Ibn 'Umar used to take a bath before entering Makkah.

2 To spend the night at Zhi Tuwa, a valley in the direction of Al-Zaher. The Prophet (peace be upon him) used to spend the night there. Nafi' said: "Ibn 'Umar used to do the same." (Reported by Bukhari and Muslim)

3 To enter Makkah from the upper hill called "Koda". The Prophet (peace be upon him) entered Makkah from the direction of Al-Mu'allah. Whoever is able to follow this path, should do so, but one commits no sin if one does not do it.

4 To hurry to the Sacred Mosque as soon as one deposits one's belongings in a safe place. One must enter the Sacred Mosque from the gate known as Bab Bani Shayba - Bab us-Salam - and say humbly and sincerely: "A'uzhu billahil azeem wa biwajihil kareem wa sultanihil qadeem , minash shaltanir rajeem. Bismillah allahumma salli 'ala muhammadin wa alihi wa salam, Allahumma ghifirli zunubi waftah li abwaba rahmatika (I seek refuge with Allah the Supreme, I seek refuge with His Honor and Eternal Glory, with His Everlasting Authority, from the cursed devil. O Allah, Bless Muhammad and the family of Muhammad! O Allah! Forgive my sins and open Your doors of mercy for me)."

5 To raise one's hands on first sight of the Ka'bah and say: "Allahumma zid hazhal bayti tashrifan wa ta 'zeeman wa takriman wa muhabatan wa zid min sharfihi wa karamihi mimman hajjahu au 'itamarahu tashrifan wa takriman wa ta'zeeman wa birran (O Allah! increase this House's honor, dignity, respect and grant all those who come to it for Hajj or 'Umrah honor, dignity, respect and righteousness.)" And say, "Allahumma antas salam, wa minkas salam, fahayyina rabbana bis-salam (O Allah! You are the Peace, from You is the Peace. O Allah! Greet us with the Peace)."

6 Then head to the Black Stone and kiss it quietly. If kissing is not possible, then one may touch it with a hand and kiss the hand, and if even this is not possible then one may just point to it with a hand.

7 Then begin tawaf (circumambulation) starting from the Black Stone.

8 One does not have to perform salutation prayer to the Sacred Mosque. because tawafof Ka'bah is its salutation. If, however, it is time for the prescribed daily prayers, then one must offer them with the congregation. The Prophet (peace be upon him) said, "When a prescribed prayer is in progress then no other prayer except the prescribed prayer is valid." Similarly, if one is afraid to miss a prescribed prayer then one must offer it first before anything else.

## Fiqh 5.69: Performing Tawaf

1 One must begin tawaf (circumambulation) with one's right shoulder uncovered, and the Ka'bah on one's left side, while facing the Black Stone, kissing it, if possible, or touching it with one's hand, or pointing in its direction, and saying, Bismillah wallahak baalla humma imanan bika wa tasdiqan bikitabika wa wafa'an bi 'ahdika wa ittiba'an li sunnati nabbiyyi sallalahu 'alaihi wa sallam (In the Name of Allah. Allah is the Greatest. O Allah! [I begin this tawafl believing in You, affirming the truth of Your Book, fulfilling my covenant with You, and following the example of the Prophet, peace be upon him)."

2 Jogging lightly through the first three rounds around Ka'bah is encouraged. One should walk fast, keep close to Ka'bah as much as possible, and take short steps. In the next four rounds one should walk at normal pace. If one is unable to jog or get closer to Ka'bah, because of overcrowding around it, one may perform one's tawaf in any way possible.

Touching the Yemeni corner (Ar-Ruknul Yemeni) is encouraged, and so is kissing or touching the Black Stone in each of the seven rounds of tawaf, if possible.

3 Making remembrance of Allah and supplicating to Him as much as possible is also encouraged. For this purpose one may choose any supplications that one feels comfortable with, without restricting oneself to any supplications or repeating what others (around one may be saying). There are no set supplications prescribed for this purpose. The supplications that some people take as prescribed for various rounds of tawaf have no authenticity. No such supplications are reported from the Prophet (peace be upon him). One should pray for oneself, for one's family and one' s Muslim brethren for anything good in this life or in the hereafter.

Some of the supplications that are reported in this regard are given below:

1 Upon facing the Black Stone the Prophet (peace be upon him) said: "Allahumma imanan bika wa tasdiqan bikitabik wa wafa 'an bi'ahadika wa Itba'an li sunnat nabbiyyika bismillahi wallahu akbar (This is reported directly from the Prophet (peace be upon him)) (O Allah! I begin this tawaf believing in You,

affirming the truth of Your Book, fulfilling my covenant with You, and following the example of Your Prophet, peace be upon him. In the Name of Allah! Allah is the Greatest!)"

2 Upon commencing the tawaf the Prophet (peace be on him) said: "Subhan Allah wal hamdu lillah wa la ilaha illallah wallahu akbar wa la haula wa la quwwata illa billah (Glory to Allah, All praise is due to Allah, there is no god but Allah. Allah is the Greatest. There is no might nor power except with Allah)." (Ibn Majah)

3 Upon reaching the Yemeni corner the Prophet (peace be upon him) said: "Rabbana aatina fid dunniyya hasanatan wa fil akhirati hasanatan wa qina 'azhaban nar (Our Lord! Grant us good in this world and good in the hereafter, and save us from the punishment of the Fire)." (Reported by Abu Daw'ud, and Ash-Shafi'i from the Prophet (peace be upon him) on the authority of 'Umar)

4 Ash-Shafi'i said: "I like that each time on passing the Black Stone one should say Allahu Akbar, and while jogging one should supplicate and say: Allahumma ij 'alhu hajjan mabruran wa zhanban maghfuran wa Sa'iyan mashkuran (O Allah! Let this be an accepted Hajj, with sins forgiven, and a well appreciated effort)." And during each round of tawaf he would say: "Rabbighfir warham wa'fu 'ama ta'lam wa antal a'azzul akram allahumma aatina fid dunniyya hasanatan wafil aakhirati hasantan wa qina 'azhaban nar. (O my Lord. Forgive us, and have mercy upon us, pardon our sins that You only know, You are the Most Honored and Dignified. O Allah! Grant us good in this world and good in the hereafter, and protect us from the torment of the fire)."

It is reported about Ibn 'Abbas that while walking between the Yemeni corner and the Black Stone he used to say: "Allahumma qanni'nibima razaqtani wa barik lifihi wakhluf 'alayya kulla gha'ibatin bikhair. (O Allah! Let me be satisfied with what you provided me, O Allah! Bless it for me. O Allah! Substitute every good thing that I missed with something good."(Reported by Sa'id bin Mansur and al-Hakim)

## Fiqh 5.71: Reciting the Qur'an in Tawaf

A person may recite the Qur'an while performing tawaf, because the purpose of tawaf is to remember Allah and the Qur'an is a reminder and a remembrance of Allah. 'Aishah reported that the Prophet (peace be upon him) said: "Tawaf (circumambulation) around the House of Allah, walking between Safa and Marwah, and throwing the pebbles at the Jamarahs are instituted for the remembrance of Allah." (Reported by Abu Daw'ud and Tirrnizhi who considers it a sound hadith)

## Fiqh 5.71 a: Excellence of Tawaf

Ibn 'Abbas reported that Allah's Messenger (peace be upon him) said, "Every day Allah descends a hundred and twenty folds of His Mercy to His slaves who perform Hajj (to His House). Sixty-fold of these are specified for people performing tawaf, forty-fold for those who pray there, and twenty for those who look at the Ka'bah."

5 Upon completing one's tawaf, one must offer a two rak'ah prayer at the Station of Ibrahim, reciting the verse of the Qur'an 2.125 "And take the Station of Abraham as a place of prayer." This will complete one tawaf around the Ka'bah.

This tawaf is called Tawafal Qudum (Arrival Circumambulation), if a pilgrim is performing a mufrid (single) Hajj. Otherwise it is called Tawaf al Tahayya (Circumambulation of Greeting), or Tawafad Dakhul (Circumambulation of Entry). It is neither an essential condition nor an obligation. For a pilgrim performing Hajj Tamattu' (combining Hajj and 'Umrah with a break), or performing Hajj Qiran (combining Hajj and 'Umrah without a break), it is Tawafal 'Umrah ('Umrah Circumambulation), and after having performed it a pilgrim does not need to perform a Tawafal Tahaya or Tawafal Qudum. Such a pilgrim must, however, complete his 'Umrah making a Sa'i (seven rounds of walking) between the hills of Safa and Marwah.

## Fiqh 5.72: Kinds of Tawaf

1 Tawafal Qudum (Arrival Circumambulation).

2 Tawafal Ifada (Return from Mina Circumambulation).

3 Tawafal Wida' (Farewell Circumambulation). We will deal with it separately at its place.

4 Tawafat Tatawwu' (Supererogatory Circumambulation).

The pilgrim should make full use of his stay at Makkah performing as much supererogatory tauaf and prayers in the Sacred Mosque as possible. A prayer in it is better than a hundred thousand prayers in any other mosque. In a supererogatory tawaf one may not uncover one's shoulder or jog. It is sunnah to perform a tawaf of Ka'bah as a salutation to the Sacred Mosque upon entering it, unlike other mosques where on entering them a two rakah prayer is offered as a salutation to the mosque.

## Fiqh 5.72 a: Prerequisites of Tawaf, Cleanliness from all major or minor physical impurities.

The Hanafi school holds that cleanliness from impurities is not a necessary condition, but an obligation which, if not found, may be compensated by a sacrifice. Thus if somone performs a Tawaf in a state of minor impurity his tawaf will be valid, but he will have to offer a sheep in sacrifice. If such a person is junub or ha'id his or her tawaf will still be valid, but he or she will have to sacrifice a camel as a penalty and repeat the tawaf as long as he or she is in Makkah. As to the cleanliness of clothes or body, the Hanafi school takes it as a sunnah only.

Ibn 'Abbas reported that the Prophet (peace be upon him) said: "Tawaf is (similar to) a prayer ... but Allah, the Almighty, has made talking for one (engaged in tawaf) permissible. So, whoso speaks (while performing tawaf) should say only good things. (Tirmizhi and Ad-Daraqutni. Also reported by Al-Hakim, Ibn Khuzaimah and Ibn Al-Sakan as a sound hadith)

'Aishah reported that the Prophet (peace be upon him) entered her apartment and tound her crying. He asked her, "Has your monthly course set in?" That is, are you weeping because you are menstruating? She replied, "Yes." Upon this the Prophet (peace be upon him) said, "This is a matter inscribed by Allah, the Almighty, for all daughters of Adam. You should perform all the rites of Hajj, except tawaf (circumambulation) - which you should perform after taking a complete bath (when you are clean)." (Reported by Muslim) 'Aishah also said: "The very first thing that the Prophet (peace be upon him) did upon arriving in Makkah was to perform Wudu and then make a tawaf of Ka'bah." (Bukhari and Muslim)

There is consensus that if one suffers from an illness that causes one to be continuously impure physically, such as leaking urine or continuous bleeding in the case of a menstruating woman, one may perform tawaf without incurring any penalty or need for making compensation. Malik related that a woman came to Abdullah bin Umar seeking a verdict. She said, "I came to the Sacred Mosque to pertorm tawaf, but when I arrived at the door of the Mosque I started bleeding. So I went away and waited until I became clean, and then returned to the Sacred Mosque. But again when I arrived at the door I started bleeding. I went back and returned when I was clean. But when I arrived at the door of the Mosque I started bleeding again. (What should I do?)" Ibn 'Umar said, "That bleeding is a spurt trom the devil. You should take a bath, place some pads on your private parts, and then perform your tawaf."

## Fiqh 5.73: Covering One's 'Awrah

The male should cover from the navel to the knee, and the female all her body except her face, hands and feet. (Tran.) Abu Hurairah reported: "During the Hajj for which Abu Bakr was appointed the leader by Allah's Messenger (peace be upon him), before the Farewell Hajj, Abu Bakr sent me with a group to announce the Day of Nahr - the 10th of Zhul-Hijjah - and to proclaim: 'No idolater nor any naked person shall be allowed to perform tawaf of the Ka'bah after this year.'' (Bukhari and Muslim)

### Fiqh 5.73 a: One Must Complete Seven Rounds of the Ka'bah

Thus, if one leaves even a single step in any of the seven rounds that round will not be counted. If one is doubtful as to the number of rounds performed, one must assume the least number of rounds, and then complete the seven rounds. In cases where one completes a Tawaf and then finds oneself not so sure about the number of rounds performed, one incurs no penalty nor is required to do anything.

### Fiqh 5.73 b: One Must Begin and End One's Tawaf at the Black Stone.

### Fiqh 5.73 c: When Making Tawaf the Ka'bah Should Be to the Left of the Person Performing Tawaf. Circumambulating with the Ka bah on one's right is invalid

Jabir (may Allah be pleased with him) reported: "When Allah's Messenger arrived in Makkah, he went to the Black Stone, kissed it, and then walked on its right side. He jogged three rounds and walked the remaining four." (Muslim)

### Fiqh 5.74: Tawaf Must Be Performed Outside and Around the Ka'bah

Thus if someone were to walk within the Hijr (Commonly known as Hijr Isma'il, and situated to the north of Ka'bah, it is surrounded by a semicircular wall. Of this, only an area of six cubits (three metres approximately) extending from the Ka'bah is its part) his tawaf will not be valid, because both Hijr and Al-Shazarwan (Al-Shazarwan is the construction contiguous to the Ka'bah to which are fixed the rings holding the Ka'bah cover) are a part of the Ka'bah. Allah has commanded us to circumambulate around the Ka'bah and not inside it, saying: "...and circumambulate the Ancient House." (Qur'an 22.29) It is preferable, however, to remain close to the Ka'bah, if one can do so easily.

### Fiqh 5.74 a: Tawaf (circumambulation) should be immediately followed by Sa'i (between Safa and Marwah)

A short break in between the two, however, may be made. A longer interval because of a genuine excuse will also do no harm and is permissible. The Hanafi and Shafi'i schools hold that such a continuance (of Sa'i immediately after tawaf) is Sunnah of the Prophet.

Similarly there is no harm if one performs tawaf in parts and with long intervals in between, and even if it is done without any genuine reason. Such a person may continue the remaining rounds and complete his tawaf.

Sa'id bin Mansur reported from Humaid bin Zaid that he said: "I saw 'Abdullah bin 'Umar go three or four times around the Ka'bah, and he then sat down for a rest, while his servant fanned him. Then he resumed his Tawaf from where he had left it. Both Shafi'i and Hanafi schools hold that if one's ablution is void during the tawaf; one should redo it and resume the tawaf to complete its remaining rounds, regardless of the length of the interval.

It is reported that once Ibn 'Umar heard the call for prayer while he was performing his tawaf. He interrupted his tawaf and offered the prayers with the congregation. Then he resumed his tawaf from where he had left it.

'Ata is reported to have given a verdict concerning a person who had to interrupt his tawaf in order to participate in a funeral prayer, saying that such a person may resume his tawaf and complete the remaining rounds.

### Fiqh 5.74 b: Sunnah of Tawaf

It is Sunnah to perform certain acts in tawaf as given below:

1 Facing the Black Stone at the start of the tawaf while uttering a takbir (Allahu-Akbar), and a tahlil (La ilaha illahlah), and raising one's hands as they are raised in prayers, and if possible touching it with both hands and kissing it quietly, or placing one's cheek on it. Otherwise. one may touch it with one's hand and kiss the hand, or touch it with something, and then kiss it, or if even that is not possible, one may just point to it with a stick, etc. as is mentioned in some of the ahadith given below.

Ibn 'Umar said: "Allah's Messenger (peace be upon him) faced the Black Stone, touched it, and then placed his lips on it and wept for a long time." 'Umar also wept for a long time. The Prophet (peace be upon him) said: 'O 'Umar, this is the place where one should shed tears.'" (Reported by Al-Hakim, who considers it a sound hadith with a sound chain of authorities)

It is reported by Ibn 'Abbas that 'Umar bent down towards the Black Stone and said: "By Allah! I know that you are a mere stone, and if I had not seen my beloved Prophet (peace be upon him) kissing you and touching you I would have never done so." The Qur'an says: "You have indeed in the Messenger of Allah a beautiful pattern (of conduct).'" (Qur'an 33.32) This was reported by Ahmad and others in slightly different words.

Nafi' said, "I have seen Ibn 'Umar touching the Black Stone with his hand, and then kissing his hand and saying: 'Ever since I saw the Prophet (peace be upon him) doing this, I have never failed to do that.'" (Reported by Bukhari and Muslim)

Sowayd bin Ghaflah said: "I have seen 'Umar kissing the Black Stone and touching it." He further said: "I know that the Prophet (peace be upon him) was especially very particular about it." (Muslim) Ibn 'Umar reported that Allah's Messenger (peace be upon him) used to come to Ka'bah, touch the Black Stone and then say: Bismillahi wallahu akbar (In the name of Allah, Allah is the Greatest.)" (Ahmad) Muslim has reported on the authority of Abu Tufail that he said: "I have seen the Prophet (peace be upon him) making tawaf around the Ka'bah and touching it with a stick and then kissing the stick."

Bukhari, Muslim and Abu Daw'ud reported that 'Umar approached the Black Stone and kissed it. Then he said: "I know that you are a mere stone that can neither harm nor do any good. If I had not seen the Prophet (peace be upon him) kissing you, I would have never kissed you."

Al-Khatabi said: "This shows that abiding by the Sunnah of the Prophet (peace be upon him) is binding, regardless of whether or not we understand its reason or the wisdom behind it."

Such information devolves obligation on all those whom it reaches, even if they may not fully comprehend its significance. It is known, however, that kissing the Black Stone signifies respect for it, recognition of our obligation toward it, and using it as a means of seeking Allah's blessings. Indeed Allah has preferred some stones over others, as He preferred some countries and cities, days and nights, and months over others. The underlying spirit of all this is unquestioning submission to Allah.

In some ahadith which say that "the Black Stone is Allah's right hand on earth," we do find, however, a plausible rationale and justification for this statement. In other words whosoever touches the Black Stone he pledges allegiance to Allah, as it were, by giving his hand into the hand of Allah, just as some followers do pledge their fealty to their kings and masters, by kissing and shaking hands with them.

Al-Muhallib said: "The hadith of 'Umar refutes the assertions of those who say that 'The Black Stone is Allah's right hand on earth wherewith He shakes the hands of His slaves.'" God forbid that we should ascribe any physical organs to Allah. The commandment to kiss the Black Stone is meant to test and to demonstrate palpably as to who obeys and submits. It may be compared with the command to Iblis to bow to Adam.

We have no definite evidence, however, to believe that any of the stones used in building the Ka'bah originally (by Ibrahim and Isma'il), is still in existence today excepting the Black Stone.

### Fiqh 5.76: Crowding at the Black Stone

There is no harm in crowding around the Black Stone so long as no harm is caused to other people. Ibn 'Umar used to struggle hard to get through the crowd in order to reach the Black Stone, so much so that sometimes (he was struck on the face and) his nose would bleed. The Prophet (peace be upon him) said to 'Umar: "O Abu Hafs! You are a strong man. Do not crowd others around the Black Stone. You may hurt a weak person. But if you find an opportunity to reach it in order to kiss it or touch it, do it. If not, then say 'Allahu-Akbar' and continue (your tawaf)." (Reported by Ash-Shafi'l in his Sunan)

### Fiqh 5.76 a: Al-Idtiba' (Uncovering one's shoulder)

It is reported by Ibn 'Abbas that the Prophet (peace be upon him) and his companions declared their intention to perform 'Umrah from al-Ji'ranah by putting on their ihram (Hajj garb) but leaving their right shoulders uncovered, bringing their ihram up from under their right armpits while covering the left shoulder. (Reported by Ahmad and Abu Daw'ud) The majority of scholars holds a similar view and claims that doing so is helpful in ramal ( jogging) while making a tawaf. Malik is of the opinion, however, that doing so is not commended. for it is not a known (practice), nor did he see anyone doing so. There is consensus that it is undesirable in the tawaf prayer (salatul tawaf).

### Fiqh 5.76 b: Ramal 23 or Jogging

Ramal means walking fast, vigorously moving the shoulders and taking small steps, giving a sense of strength and energy. Ibn 'Umar reported that Allah's Messenger (peace be upon him) jogged from the Black Stone to the Black Stone three times, and walked the remaining four rounds. (Muslim and Ahmad) If a person does not jog in the first three rounds, then he is not required to make it up in the last four rounds. Ramal (Jogging) and idtiba' (uncovering one's right shoulder) are prescribed for men only while making tawaffor 'Umrah. In case of a pilgrim performing Hajj, tawaf is always followed by Sa'i (walking between Safa and Marwah) . Shafi'i school holds that a pilgrim, who does make idtiba' (i.e., uncovers his right shoulder) and performs ramal (i.e., jogs), while making Tawaf al Qudum on arrival and then making Sa'i between Safa and Marwah, is not required to repeat idtiba' and ramal in his Tawaf al Ifada (after returning from 'Arafah). If one does not perform Sa'i after making tawaf and postpones it till after Tawaf az-Ziarah (Tawaf of Visit), he should make idtiba' (uncover his right shoulder) and perform ramal (jog) while making Tawaf az-Ziarah.

Women are not obligated to jog or uncover their right shoulder, because they must properly cover themselves. Ibn 'Umar said: -Women are not obligated to jog around the Ka'bah nor while making Sa`i between Safa and Marwah." (Reported by Al-Baihaqi)

### Fiqh 5.77: Wisdom Behind Ramal

What is the wisdom behind ramal? It is reported by Ibn 'Abbas that when the Prophet (peace be upon him) and his companions came to Makkah, they were weakened by the fever in Yathrib. Thereupon the idolators said, "A people weakened with fever have come to you and they are aMicted with evil." Allah. the Almighty, informed His Prophet (peace be upon him) about their saying. So he commanded them to jog through the first three rounds of tawaf around the Ka'bah, and to walk between its two corners. When the idolaters saw the Muslims jogging, they said: "Are those the people you said are weak because of the fever? They are stronger and sturdier than us!" Ibn 'Abbas added: "The Prophet (peace be upon him) did not command them to jog all through the seven rounds in order not to overexert themselves." This was reported by Bukhari, Muslim, and Abu Daw'ud, whose wording is given here.

'Umar was of the opinion that jogging be stopped as there was no longer any need for it after the Muslims had become strong and powerful. But he decided, however, to leave it (in its original form) so that the future generations of Muslims could share a form and a feeling similar to that observed and felt by early Muslims. Muhibbuddin At-Tabari said: "Sometimes certain instructions are prescribed in the religion for a specific reason, and later even though that specilic reason no longer exists yet the instructions still remain valid."

Zaid bin Aslam reported from his father that he said: "I heard 'Umar ibn Al-Khattab saying: 'Why jog around the Ka'bah today'? Why uncover our shoulders (in tawaf)? Allah has made Islam strong and

powerful, and banished disbelief and the disbelievers, yet we shall never abandon what we used to do in the time of the Prophet (peace be upon him)."

### Fiqh 5.78: Touching the Yemeni Corner

This is based on the statement of Ibn 'Umar in which he said "I never saw the Prophet (peace be upon him) touching any other parts of Ka'bah except the two corners: The Black Stone and the Yemeni corner." And he added, "No matter how hard and difficult the circumstances, I have not failed to touch these two corners - the Yemeni Corner and the Black Stone - ever since I saw the Prophet (peace be upon him) doing so." (Reported by Bukhari and Muslim)

A pilgrim making tawaf touches these two corners, and no others, because of their special merits and excellence. The Black Stone is distinguished by two things:

1 it is placed on the foundations raised by the Prophet Ibrahim (peace be upon him), and

2 it marks the beginning as well as the end of tawaf. The Yemeni corner is directly opposite to it and, like the Black Stone, it is also laid on the foundations raised by Ibrahim.

When Ibn 'Umar was told about 'Aishah's statement that "Some of the Hijr Isma'il is part of the Ka'bah" he said: "I think that 'Aishah heard that from the Prophet (peace be upon him). I think that the Prophet (peace be upon him) never failed to touch them while making a tawaf These two, however, are not at the foundations of the House, and the people circumambulate around the Hijr because of that. (Abu Dawud)

The Muslim community, however, is in agreement concerning the desirability of touching these two Yemeni corners. A person making tawaf of Ka'bah may not touch the other two corners. Ibn Hibban has reported in his Sahih that the Prophet (peace be upon him) said: "The Black Stone and the Yemeni corner cause the sins to be forgiven."

### Fiqh 5.78 a: Offering a Two Rak'ah Prayer After Tawaf

It is sunnah to offer a two rak'ah prayer after completing the tawaf at the Station of Ibrahim (peace be upon him), or at any other place in the Sacred Mosque, regardless of whether it is a supererogatory tawaf or obligatory one (as in Hajj or 'Umrah).

Jabir reported that "When the Prophet (peace be upon him) came to Makkah, he went around the Ka'bah seven times, then went to the Station of Ibrahim and recited the verse (Qur'an 2.125): "And take of the Station of Abraham a place of prayer." He prayed behind it, and then went to the Black Stone and kissed it." (Reported by Tirmizhi who considers it a sound hadith)

In this two rak'ah prayer, it is sunnah to recite Surah Al-Kafirun, in the first rak 'ah, and Surah Al-Ikhlas in the second rak 'ah, after reciting Al-Fatihah. (Reported by Muslim and others) These two rak'ahs may be offered at any time of the day and night including the prohibited times.

Jubair bin Mut'im reported that the Prophet (peace be upon him) said, "O Bani Abd Manaf! Do not prevent anyone from performing tawaf around the Ka'bah. One may pray (in the Sacred Mosque) any time during the day or night." (Reported by Ahmad, Abu Dawud, and Tirmizhi who regards it a sound hadith) Ash-Shafi'i and Ahmad hold this view.

Though it is sunnah to offer this two rak'ah prayer after the tawaf in the Sacred Mosque, it may also be offered outside the Mosque. Umm Salamah reported that she performed a tawaf around the House riding, but she did not offer the two rak'ah prayer until she had left the Mosque. (Bukhari) Malik reported from 'Umar that he offered these two rak'ahs at Zhi Tuwa valley. Bukhari also has reported that 'Umar prayed (these two rak'ahs) outside the Sacred Mosque.

If one offered a prescribed prayer after the tawclf then he need not offer this two rak'ah prayer. The Shafi'i school holds this view, which is also in accordance with the well known position of Ahmad. The Maliki and the Hanafi schools are of the opinion that these two rak'ahs must be offered and no other prayer can replace them.

## Fiqh 5.79: Passing in Front of Worshippers in the Sacred Mosque

It is permissible to offer prayer in the Sacred Mosque while the people, male and female, pass in front of the worshipper. There is no harm in it, and it is one of the special characteristics of the Sacred Mosque. Kathir bin Kathir bin Al-Mutalib bin Wida'ah reported from some of his family members and from his grandfather that he said: "I saw the Prophet (peace be upon him) offering prayer in the Sacred Mosque in the area adjacent to Bani Sahm while people passed in front of him but he did not place any sutrah (protection) in front of him." Suffiyan bin 'Uyainah said, "There was no partition between him and the Ka'bah." (Reported by Abu Daw ud Nasa'i, and Ibn Majah)

## Fiqh 5.79 a: Men and Women Performing Tawaf Together

Ibn Juraij reported: "'Ata told me that when Ibn Hisham forbade women from performing tawaf along with men he asked him, 'How dare you prevent them while the wives of the Prophet (peace be upon him) performed tawaf along with other men?' He added: 'I asked him:"Did they do so betore or after the commandment to observe veil?" He said: "They did so after the revelation of the commandment to veil." I said: "How could they intermingle with men?" He said: "They did not intermingle with men. 'Aishah used to perform tawaf keeping apart from men and without intermingling with them. A woman asked her, "O Mother of Believers ! Shall we touch the Black Stone and kiss it? 'Aishah said: "Get away from here, and she refused to join her. (Bukhari) They used to go disguised at night and perform tawaf with men, but when they entered the Mosque, they would wait and go in when the men left.

Women may touch and kiss the Black Stone when there is an opportunity and no men are around. It is reported that 'Aishah said to a woman, "Do not crowd with others at the Black Stone, but if you find a chance, touch and kiss it, otherwise if there is crowding, then say a takhir (Allah is the Greatest) when you are opposite to it, and make your tawaf and do not cause any harm to anyone."

## Fiqh 5.80: Making a Tawaf while Riding

A person may, even if he is able to walk, perform tawaf while riding, provided there is a valid reason for doing so.

Ibn 'Abbas reported that during the Farewell Pilgrimage the Prophet (peace be upon him) performed tawaf while riding his camel, and touched the Black Stone with a stick (that he carried). (Reported by Bukhari and Muslim)

Jabir reported that during the Farewell Pilgrimage the Prophet (peace be upon him) performed tawaf and made Sa'i between Safa and Marwah while riding on his mount, so as to show it to the people, to draw their attention, and (to give them an opportunity) to ask him any questions (they had), and the people were crowding around him."

## Fiqh 5.80 a: Intermingling of a Leper with Others in Tawaf

Malik reported from Ibn Abi Mulaikah that 'Umar bin Al-Khattab saw a woman aMicted with leprosy performing tawaf with others. He said to her, "O maidservant of Allah! Do not harm others. Why do you not stay in your home?" She did so and stayed at her home. Upon the death of 'Umar, a man visited her and said, "The one who forbade you to circumambulate the Ka'bah has passed away. You may now go and perform tawaf." She replied, "I shall not obey a person in his life, and disobey him after his death."

## Fiqh 5.80 b: Desirability of Drinking Zamzam Water

Upon completion of the seven rounds of the tawaf; and after offering the two rak'ahs by the Station of Ibrahim, it is encouraged to drink water from the well of Zamzam.

Both Bukhari and Muslim confirm that the Prophet (peace be upon him) drank of Zamzam water, and said, "It is blessed (water); it is food for the hungry, and a healing for the sick.' It is reported that the angel Gabriel had washed the heart of the Prophet (peace be upon him) with its water on the Night Journey.

At-Tabarani in his Al-Kabir, and Ibn Hibban have reported from Ibn 'Abbas that the Prophet (peace be upon him) said: 'The best water on earth is the water of Zamzam. It is food for the hungry, and a healing for the sick." (Al-Munzhri said that the chain of narrators of this hadith is sound)

## Fiqh 5.81: Etiquette of Drinking Zamzam Water

A person drinking Zamzam water should intend and hope for healing, blessings and whatever is best for him in this life and in the hereafter. The Prophet (peace be upon him) said, "The water of Zamzam is (good) for whatever it is intended."

Suwaid bin Saeed reported: "When the water of Zamzam was brought to Abdullah bin Al-Mobarak I saw that he drank a little, then turning his face towards the Ka'bah supplicated, 'O Allah! Ibn Abi Al-Mawali told us on the authority of Mohammad bin Al-Monkader, who narrated from Jaber that the Messenger of Allah (peace be upon him) said, "The water of Zamzam is good for whatever one intends (while drinking it)." I intend to drink this water to spare myself from going thirsty on the Day of Judgment.' Then he drank the rest of the water." (Reported by Al-Baihaqi, and Ahmad with a sound chain of authorities)

Ibn 'Abbas reported that the Prophet (peace be upon him) said, "The water of Zamzam is good for whatever one intends (while drinking it). If you drink it seeking healing, Allah will give you healing. If you drink it to satisfy your hunger, Allah will satisfy your hunger. If you drink it to quench your thirst, Allah will quench your thirst. Zamzam is a well dug by the angel Gabriel by which Allah quenched the thirst of Isma'il." This was reported by AdDaraqutni and Al-Hakim who added, "And if you drink it seeking refuge with Allah, Allah will give you refuge."

It is desirable that one should drink Zamzam water in three breaths, face the Qiblah, drink as much as possible, praise and thank and supplicate to Him as Ibn 'Abbas did. Abu Molaikah reported: "A man came to Ibn 'Abbas. He asked the man, 'Where are you coming from?' The man replied: 'I am coming from the well of Zamzam.' Ibn 'Abbas asked him, 'Did you drink of it as you are supposed to?' "The man asked: 'O Ibn 'Abbas, how am I supposed to drink it?' Ibn 'Abbas replied: 'When you drink its water you should face the direction of the Qiblah, remember Allah, drink it in three breaths, drink as much as you can, and praise and thank Allah when you finish drinking.' The Prophet (peace be upon him) said, ' A major difference between us and the hypocrites is that they do not drink their fill of the Zamzam water'." (Reported by Ibn Majah, Ad-Daraqutni and Al-Hakim)

Ibn 'Abbas used to supplicate Allah, whenever he drank Zamzam water: "Allahumma inni as'aluka 'ilman nafi`an wa rizqan wasi'an wa shifa an min kuli da in (O Allah! Grant me beneficial knowledge, bountiful provision, and a healing from every disease)."

## Fiqh 5.82: The Origin of Zamzam Well

Explaining the origin of Zamzam Ibn 'Abbas said: "When Hajar reached the (mountain) of Marwah in search of water for her baby son Isma'il and herself to quench their thirst. she heard a sound, and said to herself, "Quiet." She again heard the sound, whereupon she said, "I have heard you. Help me, if you can." All of a sudden she found an angel at the place where now Zamzam is. He either dug it with his heel or touched it (the ground) with his wing and a spring of water appeared. Hajar encircled the water with soil. She took some water in a container she had, and water kept bubbling up unchecked."

Ibn 'Abbas reported that the Prophet (peace be upon him) said, "'May Allah shower His mercy on

Isma'il's mother. Had she left it untouched, or (the narrator is not sure) the Prophet said, had she not drunk of its water, the Zamzam would have turned into a clearflowing spring.' He added, 'So she drank the water and gave some to her son.' The angel said to her, 'Fear no loss, because this is the site of Allah's House, which this boy and his father shall build. Allah never permits His servant to be lost. At the site of the House was a hill that was split by flood waters running down its right and left."'

## Fiqh 5.82 a: Excellence of Supplications at Al-Multazim

Al-Multazim is the part of Ka'bah between its door and the Black Stone. After drinking the water of Zamzam, it is recommended that one should make special supplications at Al-Multazim. Ibn 'Abbas reported that he used to stand between the Black Stone corner and the Ka'bah door and said, "The space between the Black Stone and the door of the Ka'bah is called 'AlMultazim' and whoever stands here and supplicates to Allah, he gives him whatever he supplicates for." (Al-Baihaqi)

'Amr bin Shu'aib reported from his father, and he from his father that he said, "I have seen the Prophet (peace be upon him) placing his face and chest against Al-Multazim."

(Some scholars including Bukhari say Al-Hateem is Al-Multazim. To support their view they cite the hadith of the Night Journey in which the Prophet (peace be upon him) said "While I was asleep in (the area called) ' al-Hateem" or also called "al-Hijr...")

This is based on the statement of Ibn 'Umar in which he said "I never saw the Prophet (peace be upon him) touching any other parts of Ka'bah except the two corners: The Black Stone and the Yemeni corner." And he added, "No matter how hard and difficult the circumstances, I have not failed to touch these two corners - the Yemeni Corner and the Black Stone - ever since I saw the Prophet (peace be upon him) doing so." (Reported by Bukhari and Muslim)

## Fiqh 5.82 b: Entering Ka'bah and Hijr Isma'il and its Excellence

Ibn 'Umar reported that the Prophet (peace be upon him) entered the Ka'bah along with Usamah bin Zaid, and Uthman bin Talhah and closed its door behind them. When they came out, Bilal informed me that the Prophet (peace be upon him) offered a prayer inside the Ka'bah between the two Yemeni corners." (Bukhari and Muslim) This has led some scholars to conclude that entering Ka'bah and offering prayer inside it is sunnah. Others, however, say that even if it is a sunnah, it is not a part of Hajj rites, as stated by Ibn 'Abbas when he said: "O people, entering the Ka'bah is not one of the rites of Hajj.'' (Reported by al-Hakim with a sound chain of authorities)

For a pilgrim unable to enter the Ka'bah it is recommended that he should enter the Hijr Isma'il and offer prayer there, because it is a part of the Ka'bah. Ahmad reported on sound authority from Sa'id bin Jubair that 'Aishah said: "O Prophet of Allah ! All your family except me have been inside the Ka'bah ! " The Prophet (peace be upon him) said to her, "Send for Shaibah (His name was Ibn 'Uthman bin Talhah; he was tbe key-bearer of the Ka'bah) so that he should open the door for you." She did as he had told her to do. Shaibah said, "We could never open it, during the night during the pre-Islamic days, nor during the days of Islam. The Prophet (peace be upon him) told 'Aishah, "Pray inside the Hijr Isma'il. It is a part of Ka'bah, but your people left it out while rebuilding the Ka'bah and did not include it in its structure."

## Fiqh 5.85: SA'I BETWEEN SAFA AND MARWAH, Historical Background

Ibn 'Abbas said: 'Prophet Ibrahim (peace be upon him) brought Hajar, his wife, and her son Isma'il (peace be upon them), whom she was still nursing, and left them at (the site of) the House of Allah under a tree above the Zamzam. Makkah at that time was a place where there was neither water nor any dweller. He left a bag of dates and a container of water for them. Then Ibrahim (peace be upon him) turned to go away. Isma'il's mother said to him, "O Ibrahim! Where are you going? And who are you leaving us to in this valley without a companion or a thing?" She repeated this several times but he did not respond. At last she asked him, "Has Allah commanded you to do so?" He answered, "Yes."

Thereupon she said, "Then He will not let us perish!" (Bukhari) In another narration we read: "She asked him, 'Who are you leaving us to?' He answered, 'To Allah' whereupon she responded, 'I am satisfied,' and turned back."

Ibrahim left and when he reached a mountain pass where he could no longer see them, he turned his face toward the Ka'bah and with his hands raised, supplicated, "O Our Lord! I have made of my offspring to dwell in a valley without cultivation by your Sacred House; in order Our Lord, that they may establish regular prayer: so fill the hearts of some among men with love towards them, and feed them with fruits, so that they may give thanks!" (Qur'an 14.37)

Hajar sat under the tree with her baby next to her. She drank from her water container hanging nearby, and nursed her baby, until all the water she had was gone, her milk dried out. Her son grew hungrier and hungrier. She could hardly bear to look at him. She went and stood at Safa - the hill nearest to her. She looked down the valley to see if there was someone around to help. She could see no one. So, she climbed down Safa and reached the valley. She struggled hard, crossed the valley and reached Marwah. She stood on Marwah, and looked around. Still she could see no one around. She repeated this seven times. Ibn 'Abbas added, "The Prophet (peace be upon him) said: 'It is (to commemorate this walk) that pilgrims walk between Safa and Marwah."'

## Fiqh 5.86: Its Legal Status

There is disagreement among scholars concerning the legal status of Sa'i between Safa and Marwah. These scholars may be divided into three groups:

1 'Aishah, and from among the Companions Ibn 'Umar, and Jabir hold that Sa'i of Safa and Marwah is an essential part of Hajj rites. Malik, AshShafi'i, and Ahmad (according to one narration from him) also hold a similar opinion. Thus if a pilgrim fails to perform Sa 'i his Hajj will be void and his offering of a sacrifice will not be enough to make up for it. These scholars based their opinion on the following:

2 Ibn 'Abbas, Anas, Ibn Al-Zubair, Ibn Sirin, and Ahmad - according to one narration from him - hold that Sa'i is sunnah, which if not performed, no penalty is incurred by the person neglecting it.

It is reported that the Mushaf of Ubaiy and Ibn Mas'ud read " ..if those who visit the House in the season or at other times, should not compass them, it is no sin in them." This is not the Qur'anic text, but it does convey an important piece of information and an interpretation of the Qur'anic text.

3 Abu Hanifah, Thawri and Hasan hold that Sa'i between Safa and Marwah is an essential rite (wajib), but it is not obligatory for Hajj and 'Umrah. Therefore, if a pilgrim failed to perform it, he must pay a penalty (slaughter a sheep in sacrifice).

The author of Al-Mughni prefers this opinion, and says:

1 This is preferable, because the argument of those holding it to be wajib supports the absoluteness of the obligation rather than the principle that anything needed to fulfill an obligation (wajib) is also obligatory (wajib).

2 'Aishah's statement in this respect is different from what other Companions of the Prophet (peace be upon him) have narrated.

3 The hadith of the daughter of Abi Tajrah has among its narrators one called Abdullah bin Al-Mu'mal, who is controversial. According to him it is obligatory, whereas it is only wajib.

4 The verse quoted above was revealed concerning those people who feared they would be committing a sin if they walked between Safa and Marwah as they used to do in the days of Jahiliyya while two idols were set on top of Safa and Marwah.

### Fiqh 5.87: Prerequisites for Sa'i

For Sa'i to be valid and acceptable, it must meet the following conditions:

1 Should be performed after tawaf.

2 Must be performed in seven rounds.

3 Must begin from Safa and end at Marwah.

4 Must be performed in Al-Mas'a, the path between Safa and Marwah, because the Prophet (peace be upon him) did so, and moreover he explicitly told us: "Take your (religious) rites from me." Therefore, a Sa'i performed without performing tawaf prior to it, or one that starts from Marwah and ends at Safa, or is performed in a place other than the specified area (between Safa and Marwah), is void. (The Hanafi school holds that Sa`i after tawaf and beginning it at Safa and ending it at Marwah, are two essential conditions for the validity of Hajj . Thus if someone made a Sa`i before making tawaf, or begins his Sa`i at Marwah, and ends it at Safa, his Sa`i is valid, but he is required to slaughter an animal)

### Fiqh 5.88: Climbing the Safa Mountain

Climbing on op of Safa or Marwah is not a necessary condition for Sa'i, but one must walk back and forth the full distance between these two points. In case any part of this distance is left untraversed the Sa'i will remain incomplete.

### Fiqh 5.88 a: Continuity of Sa'i Between Safa and Marwah

Continuity in Sa'i is not a necessary condition for its validity. (Malik holds. however. that continuity of Sa`i, without a long break, is a necessary condition for it) Thus if a pilgrim stops Sa'i (between Safa and Marwah) for some reason, e.g., it is prayer time and he joins the congregation, in all such cases he may resume his Sa'i when the reason forcing him to stop is no longer there, and begin from where he had left it.

It is reported that Ibn 'Umar used to perform Sa'i between Safa and Marwah, and whenever he had to answer the call of nature, he would stop, relieve himself, make ablution, and then go back and resume his Sa'i, (Reported by Sa'id bin Mansur) because the continuity in Sa'i is not required.

The author of Al-Mughni observes: "Ahmad says there is no harm in delaying the Sa'i after performing tauaf until one is rested, or postponing it until evening. 'Ata and Al-Hasan also see no harm in someone making tawaf early in the day and postponing the Sa'i between Safa and Marwah until evening. Al-Qasim and Sa'id bin Jubair followed this, because the continuity of Sa'i is, as such, not a condition, much less the continuity of tawaf and Sa'i.

Sa'id bin Mansur reported that Saudah, the wife of 'Urwah bin al-Zubair performed Sa 'i between Safa and Marwah and because she was a big and heavy woman, she completed it in three days.

### Fiqh 5.88 b: Purification For Sa'i

Most scholars are of the opinion that purification is not necessary for performing Sa'i between Safa and Marwah, in light of what the Prophet (peace be upon him) said to 'Aishah once when she menstruated. He told her, "You may perform all rites (of Hajj ) as other pilgrims do, except performing tawaf around the Ka'bah which you may do after you are clean and no longer menstruating." (Muslim) 'Aishah and Umm Salamah said, "A woman who performs the tawaf, offers a two rak'ah prayer (by the Station of Ibrahim), and then finds that her period has started, may perform Sa'i between Safa and Marwah." (Reported by Sa'id bin Mansur) It is preferable, however, to be in a state of complete purity

while performing various rites of Hajj or 'Umrah, because cleanliness is commendable in Islam.

### Fiqh 5.89: Riding and Walking During the Sa'i

Sa 'i may be performed either riding or walking, but walking is preferable. In the hadith narrated by Ibn 'Abbas we find that the Prophet (peace be upon him) performed Sa'i on foot, but when the overcrowding increased and he found that the people wanted to know more (about their religion), he rode his mount so that they could see him and ask him (whatever they wanted to ask).

Abu At-Tufail asked Ibn 'Abbas, "Tell me about the Sa'i between Safa and Marwah - is it (really) sunnah to perform it riding, for your people claim it is?" Ibn 'Abbas replied, "They are right, but they are wrong." Then he added, "The people crowded around the Prophet (peace be upon him), saying 'This is (Prophet) Muhammad, this is (Prophet) Muhammad. Even young girls came out of their houses to see him. So when the people overcrowded he mounted on his camel, because the people were not beaten back (to make way for the Prophet)."

Muslim reported that walking in Sa'i is better, and riding, though permitted, is disliked. Tirmizhi has reported that a group of knowledgeable people disliked that someone should perform tawaf of the House and make Sa'i between Safa and Marwah riding on a mount without any genuine excuse. This is the opinion of Ash-Shafi'i.

The Malikites hold that a person who performs Sa'i between Safa and Marwah riding without any genuine reason, must repeat it, if there is still time for him to do so. And if there is no time, then he must offer a sacrifice in penalty, because it is wajib (obligatory) for him if he is able to walk. Abu Hanifah holds a similar view. According to these scholars the Prophet (peace be upon him) performed the Sa'i riding because of the large number of people around him.

### Fiqh 5.89 a: Jogging Between the Two Green Markers

Walking between Safa and Marwah is commended, except between the two markers where jogging is encouraged. The hadith of the daughter of Abi Tajrah tells us that the Prophet (peace be upon him) jogged so hard that his lower garment was wrapped around his body.

Thus jogging between these two markers is preferable, but walking is also permissible between them. Sa'id bin Jubair reported: "I have seen 'Umar walking between Safa and Marwah." Then he added, "If you want to, you may walk, because I have seen the Prophet (peace be upon him) walking. So, if you want to jog, you may jog, because I have seen the Prophet (peace be upon him) jogging, but I am an old man."l' This applies to a male pilgrim only. As for a woman, she is not required to walk fast between these two points. She should walk at her normal pace. Ash-Shafi'i has reported that once 'Aishah saw some women walking fast whereupon she said to them, "You should follow our example. You are not obligated to jog (while performing Sa'i)".

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## Fiqh 5.90: Making Supplications on Safa and Marwah

Climbing Safa and Marwah and making supplications for one's material and spiritual well being and welfare is encouraged. During the supplications one should face Ka'bah.

It is well known that the Prophet (peace be upon him) went through the Safa gate, and on approaching Safa he recited the Qur'anic verse 2.158 "Verily, Safa and Marwah are among the symbols of Allah" and then saying "I begin with what Allah Himself began" he climbed Safa until he could see the Ka'bah from where he stood. He faced the Ka'bah, thrice proclaimed Allah's Oneness, glorified Him, praised Him, and then said, "There is no deity worthy of worship except Allah. He has no partners. To Him belongs the kingdom and all praise. He alone grants life and causes death, He has power over all things.

There is no God but He. He has fulfilled His promise, given victory to His servant, and He alone defeated the confederates." Thrice he made similar supplications. Then he walked toward Marwah and climbed it, until he could see the Ka'bah. There he made supplications as he had at Safa.

Nafi' has reported that he saw Abdullah bin 'Umar standing on Safa and supplicating in these words: "O Allah! You have said 'Call Me and I shall respond to your call.' Verily, You do not break Your promise. O Allah! I pray that just as You guided me to Islam, so divest me not of it until the day you cause me to die."

## Fiqh 5.90 a: Supplications Between Safa and Marwah

Making supplications, remembrance of Allah, and reciting the Qur'an while walking between Safa and Marwah are all desirable. It is reported while making Sa'i the Prophet (peace be upon him) used to supplicate, "O my Lord, forgive me, have mercy upon me, and guide me to the straight path." Also he used to supplicate, "O my Lord, forgive me, and have mercy upon me. You are the most Honorable, most Dignified."

After performing Tawaf and Sa'i a pilgrim completes the rites of 'Umrah. Similarly a person performing Hajj Tamattu' may terminate his state of ihram by clipping some of his hair short or else shave it all. However, a pilgrim should keep his state of ihram if he is performing Hajj Qiran. Such a pilgrim may terminate his state of ihram on the Day of Sacrifice (Yaum un-Nahr) after the sacrifice. For a qarin pilgrim, this Sa'i will suffice in place of the one other pilgrims are required to make after Tawafal Fard when they return from Mina. As for those pilgrims who join Hajj with 'Umrah with a break in between (i.e., who make Hajj Tamattu'), they must perform another Sa'i and stay in Makkah until Yaum al-Tarwiya (the 8th of Zhul-Hijjah).

## Fiqh 5.93: Moving out to Mina

It is sunnah to move to Mina on the 8th of Zhul-Hijjah. So all pilgrims, who are performing Hajj Qiran or Hajj Ifrad, they should proceed in their ihram to it. Those performing Hajj Tamattu' should on that day put on ihram (as they did the first time at the miqat and proceed to Mina with others. According to sunnah a pilgrim performing Hajj Tamattu' should put on his ihram from the place of his stay. If he is in Makkah he should assume ihram from Makkah, otherwise he may assume ihram trom wherever he is staying. In a hadith we read, "He who is staying at Makkah, should put on ihram from where he is staying. The residents of Makkah should put on their ihram from Makkah."

It is commended that one should make supplications and say talbiyah as much as possible while moving to Mina, and should offer Zuhr, 'Asr, Maghrib and Isha prayers at Mina, and spend the night there, and not depart from it until the sunrise of the ninth day of Zhul-Hijjah. following the example of the Prophet (peace be upon him). If anyone misses any of these he will be missing a sunnah act, but he is not required to do anything to compensate for it. Ibn Al-Munzhir has reported that 'Aishah did not leave Makkah on the 8th of Zhul-Hijjah till quite late, after one third of the night had passed.

## Fiqh 5.93 b: Leaving Makkah Before the 8th of Zhul-Hijjah

Sa'id bin Mansur reported that Al-Hasan used to leave Makkah for Mina a day or two before Yaum al-Tarwiya (on the 6th or 7th of Zhul-Hijjah). Malik, however, disliked it, and also disliked that one should stay in Makkah until the evening of Yaum al-Tarwiya, except when it is Friday and one is still in Makkah and it is time for the Friday prayer. In such a case one must offer Friday prayer before leaving for Mina.

## Fiqh 5.94: Moving to Arafat

After the sunrise of the 9th day of Zhul-Hijjah, it is sunnah to leave for Arafah by way of Zhabb while uttering takbir (Allahu Akbar), tahlil (La ilaha il-lal-lah), and talbiyah (Labaika Allahumma lab-baik).

Mohammed bin Abi Bakr Al-Thaqafi said: "I asked Anas bin Malik regarding talbiyah, while we were on our way to Arafah from Mina, 'How did you do it while you were with the Prophet (peace be upon him)?' Anas answered, 'Some (of us) said talbiyah, while others said takbir, and yet others repeated La ilaha il-lal-lah. And the Prophet (peace be upon him) did not disapprove of any of them."' This is reported by Bukhari and others.

It is desirable to stop at Namira and take an ablution or bath in preparation for one's stay at Arafah. Furthermore, it is liked that one should enter Arafah at the time appointed for staying there which is after midday.

## Fiqh 5.94 a: Spending the Day at Arafah, Its Excellence

Jabir reported that the Prophet (peace be upon him) said, "The ten days of the month of Zhul-Hijjah are the best days in the sight of Allah." A man asked, "Are these days better than an equivalent number of days that are spent fighting for the cause of Allah?" The Prophet (peace be upon him) answered, "They are better than an equivalent number of days spent fighting in the cause of Allah. And there is no day better in the sight of Allah than the Day of Arafah. On this day Allah, the Almighty and the Exalted One, descends to the nearest heaven, and He is proud of His slaves on the earth, and says to those in heaven, "Look at My servants. They have come from far and near, with hair dishevelled and faces covered with dust, to seek My Mercy, even though they have not seen my chastisement. Far more people are freed from the Hellfire on the Day of Arafah than on any other day." Al-Munzhri said that this hadith was reported by Abu Ya'la, al-Bazzar, Ibn Khuzaimah, and Ibn Hibban, in whose wording it is given here.

Ibn Al-Mubarak reported from Sufyan Al-Thauri, he from Az-Zubair bin Ali, and he from Anas bin Malik that he said: "The Prophet (peace be upon him) spent the day at Arafah until almost sunset. Then he said, 'O Bilal! Ask the people to be quiet and listen to me.' Bilal stood up and asked the people to be quiet and listen to the Prophet (peace be upon him). When the people were quiet, the Prophet (peace be upon him) said: O People! A little while ago Gabriel (peace be upon him) came to me. Gave me salutations from Allah, and informed me that Allah has forgiven those who spend the Day at Arafah, and those who stop at Mash'ar al-Haram, and that He has guaranteed their debts.'

At this 'Umar bin al-Khattab stood up and asked, 'O Allah's Messenger, is this for us only?' The Prophet (peace be upon him) said, "This is for you, and for all those who will come after you until the Day of Judgment.' 'Umar exclaimed, 'How plentiful and blissful Allah's bounties are!"'

Muslim and others have reported from 'Aishah that the Prophet (peace be upon him) said: "Allah frees far more people from Hellfire on the Day of Arafah than on any other day, and that Allah comes closer this day and proudly says to the angels, 'What do these people want and seek?"'

Abu Darda reports that the Prophet (peace be upon him) said, "On no other day does the Satan feel so belittled, humiliated, and angry as he does on the Day of Arafah." The reason for this is the mercy of Allah that descends (this day) and the forgiveness that He grants to people for major sins, except the day of the Battle of Badr which witnessed a far greater mercy of Allah descending upon people which

caused great sadness to Satan.

The Prophet (peace be upon him) was asked, "O Prophet of Allah! What did Satan see on the day of the Battle of Badr?" "He saw Gabriel leading the troops of Angels," he replied. (Reported by Malik as a mursal hadith and by Al-Hakim with an unbroken chain)

### Fiqh 5.94 b: Spending the Day

There is consensus among the Muslim scholars that spending the Day at Arafah is the most important part of Hajj. Ahmad and the compilers of the Sunan have reported from Abdur Rahman bin Ya'mur that the Prophet (peace be upon him) ordered an announcer to proclaim "Hajj is (spending the day at) Arafah, so he who joins other pilgrims on the night of Muzdalifah before dawn, will be considered as having performed Hajj."

### Fiqh 5.95: Time for Arafah

Most Muslim scholars are of the opinion that the time to spend in Arafah begins from noon of the 9th day of Zhul-Hijjah until dawn of the 10th of Zhul-Hijjah, and that any part of this period of time, day or night, may be spent in Arafah (to fulfill this condition). A pilgrim choosing to spend the day time at Arafah must stay there until after the sunset. But if someone spends the night at Arafah he is not obligated to stay for any specific length of time. Ash-Shafi'i holds that extending the stay at Arafah until nightfall is sunnah.

### Fiqh 5.95 a: The Significance of Staying at Arafah

Staying at Arafah means physical and mental presence in any part of Arafah, whether one is awake, asleep, riding, sitting, lying down, walking, and regardless of whether one is in a state of purity or not, e.g., a menstruating woman, or one giving birth, or a person having a wet dream. The scholars differ, however, about the position of one who faints and remains in a coma until he leaves Arafah. Abu Hanifah and Malik hold that the Hajj of such people is valid.

Ash-Shafi'i, Ahmad, Al-Hasan, Abu Thawr, Ishaq, and Ibn Al-Munzhir hold that such a person's Hajj is invalid, because it is an essential part of Hajj, and a person in a coma cannot perform this or any other rites of Hajj.

After reporting the above hadith of Ibn Ya'mur, Tirmizhi remarks: "Sufyan Al-Thawri said that the knowledgeable Companions of the Prophet (peace be upon him) and others followed this hadith and held that a person failing to spend the day or a portion thereof at Arafah before the dawn of the 10th of Zhul-Hijjah, or arriving there after the sunrise, misses Hajj. Such a person should consider his present Hajj as an 'Umrah, and must repeat it the next year. This is the opinion of Ash-Shafi'i, Ahmad, and others.

### Fiqh 5.96: Staying by the Rocks

A pilgrim may spend the Day of Arafah anywhere within the bounds of Arafah for all of it is equally good for encamping (on this particular day) except the bottom of the valley called 'Urnah to the west of Arafah. There is consensus that spending the Day of Arafah at ' Urnah is not sufficient to fulfill the condition of staying at Arafah.

Spending time near the rocks or as close to them as possible is commended. The Prophet (peace be upon him) stopped at this place and said, "I have stopped here, but the whole of Arafah is a stopping place (for the Day of Arafah)." (Reported by Ahmad, Muslim, and Abu Daw'ud on the authority of Jabir) Climbing the Mountain of Mercy or the belief that standing on it is better than standing in any other place is wrong. Nor does doing so represent a sunnah of the Prophet (peace be upon him).

## Fiqh 5.96 a: Taking a Bath

It is desirable that one should take a bath before encamping in Arafah. Ibn 'Umar used to take a bath on the eve of the Day of Arafah, as reported by Malik. Similarly 'Umar (may Allah be pleased with him) used to take a bath in Arafah while he was in the state of ihram.

## Fiqh 5.96 b: Etiquette of Standing and Making Supplications

One must maintain a complete state of purity. face the direction of Ka'bah, seek forgiveness of Allah as much as possible. glorify Allah, and supplicate for one's well being and well:are in this life and in the Hereafter, and for others, with fervor, attention, and with hands raised in supplication.

Osamah bin Zaid reported: "I was riding behind the Prophet (peace be upon him) in Arafah, while he raised his hands in supplications to Allah." (Reported by Nasa'i)

'Amr bin Shu'aib reported from his father and his grandfather, who said that on the Day of Arafah the Prophet (peace be upon him) mostly supplicated in these words: "La ilaha illallahu wahdahu la sharika lahu, lahul mulk wa lahul hamd, biyadihil khair wa huwa 'ala kulli sha'in qadeer (There is no deity worthy of worship but Allah Alone. He has no partners. To Him alone belongs the Kingdom, and all praise. In His hand is all the good, and He has power over all things)."

It is reported by Ahmad and Tirmizhi (and this is the wording of Tirmizhi) that the Prophet (peace be upon him) said, "The best supplication is that of the Day of Arafah, and the best thing that I and other Prophets before me said is: 'La ilaha illallahu wahdahu la sharika lahu lahul mulk wa lahul hamd wa huwa 'ala kuli sha'in qadeer."'

Al-Hussain bin Al-Hasan Al-Maruzi reported: "I asked Sufyan bin 'Oyainah, 'What is the best supplication for the Day of Arafah?' He said, 'La ilaha illallahu wahdahu la sharika lahu.' I said, 'But this is glorification of Allah and His praise, and it is not a supplication.' Thereupon Sufyan said, 'Don't you know the hadith of Malik bin Al-Harith which explains it.' I said to him, 'Tell me about it.' He said, 'Mansur narrated from Malik bin Al-Harith that he said "Allah, the Almighty, and the Exalted One, says: 'If a servant of Mine occupies himself in extolling and praising Me instead of asking Me for his needs I give him better than what I give to those who ask for their needs."' Then he added, 'This explains the saying of the Prophet (peace be upon him).' He continued and said, "Haven't you heard what Ummaya bin Abi Al-Salt said to Abdullah bin Jad'an when he sought the hand of Na'ilah in marriage?" I said, "No." At this he said, "Ummaya recited (these lines of poetry) to Abdullah bin Jad'an: Do I have to tell you my need, or your modesty is enough (to plead my case), for modesty is your disposition, You are conversant with rights (and obligations) and come of a family polite and respectable, When someone praises you once he need not repeat it again!

Then Sufyan added, "O Hussain, you see how the humans are pleased with praise and are ready to grant request without even asking. What about their Creator then?"

Al-Baihaqi reported from Ali (with a weak chain of narrators) that the Prophet (peace be upon him) said, "The supplication most frequently used by the Prophets before me and by me on the Day of Arafah is this: 'La ilaha illallahu wahdahu la sharika lahu, lahul mulk wa lahul hamd wa huwa 'ala kuli sha'in qadeer. Allahumma 'ij'al fi basri nuran wa fi sam'i nuran wafi qalbi nuran. Allahumm ashrah li sadri wa yassir li amri. Allahumma 'uzhubika min waswasis sadri wa shatatil amr wa sharri fitnatil qabr wa sharri ma yaliju fil lail wa sharri ma yaliju fin naharwa sharri ma tahubu bihi riyah wa sharri bawa'iqid dahr (There is no deity worthy of worship but Allah alone. He has no partners. To Him belongs the kingdom and all praise, and he has power over all things. O Allah! place light (guidance) in my sight, in my ears, and in my heart. O Allah! Open my chest and ease my work. O Allah! I seek refuge with You from evil whispers, from confusion, from the trial of the grave, from the evil that takes place during the day or night, from the evil carried by the winds, and from the afflictions of the world."

Tirmizhi also reported from Ali that the supplication used most of the time by the Prophet (peace be

upon him) during his stay in Arafah was: "Allahumma lakal hamdu kallazhi naqulu wa khairam mimma naqulu, Allahumma laka salati wa nusuki wa mahyaya wa mamati wa ilaika ma'abi wa laka rabbi turathi allahumma inni a'uzhubika min 'azhabil qabri wa waswasatis sadri wa shatatil amri allahumma inni a'uzhubika min sharri ma tahubbu bihi riyhu (All praise belongs to You, O Allah! as we say, and better than what we can say. O Allah! My prayers, my worship, my life and my death are all for You. O Allah! To You is my return, to You belong what I own. O Allah! I seek refuge with You from the torment of the grave, the evil whispers, confusion, and from whatever the wind may bring.)

### Fiqh 5.98: Spending the Day at Arafah - An Abrahamic Tradition

Mirba' Al-Ansari reported that the Prophet (peace be upon him) said: "You must azhere to the traditions and rituals (of Hajj), for these have come down to you from (your forefather) Ibrahim in heritage." This was reported by Tirmizhi as a sound hadith.

### Fiqh 5.99: Fasting on the Day of Arafah

It is confirmed that the Prophet (peace be upon him) did not fast on the Day of Arafah. The Prophet (peace be upon him) said: "Verily the Day of Arafah, the Day of Sacrifice (Yaum al-Nahr), and Ayam Tashriq (the 10th, 11th and 12th of Zhul-Hijjah) are our days of festivities. These are the days of eating and drinking." It is also established that the Prophet (peace be upon him) forbade fasting on the Day of Arafah while at Arafah (for pilgrimage).

This has led most of the scholars to conclude that in fact not fasting on the Day of Arafah is desirable, so that a pilgrim should be strong enough to devote himself wholeheartedly to worship and supplications.

Some of the ahadith that encourage fasting on the Day of Arafah concern the persons who are not staying at Arafah as pilgrims performing Hajj.

### Fiqh 5.99 a: Combining Zuhr and 'Asr Prayers at Arafah

According to the authentic ahadith the Prophet (peace be upon him) combined Zuhr and 'Asr prayers while at Arafah. For this, azhan - call for the prayer - was given, then iqamah - the second call for prayer - was made. Then he offered Zuhr. After this, another iqamah was made and he offered 'Asr prayer.

Al-Aswad and 'Alqamah said: "For the completion of Hajj, Zuhr and 'Asr prayers must be offered at Arafah in congregation behind an imam."

Ibn Al-Munzhir said: "There is consensus among the scholars that the imam must combine Zuhr and 'Asr prayers at Arafah, and so should any one offering prayer with the imam." And in case one cannot combine these and pray behind an imam, one should combine them while praying alone.

It is reported that Ibn 'Umar used to reside at Makkah, but when he went to Mina he would shorten his prayers. 'Amr bin Dinar reported that Jabil bin Zaid told him: "Shorten your prayers at Arafah." This is reported hv Sa`id bin Mansur.

### Fiqh 5.99 b: Returning from Arafah

According to sunnah, pilgrims should leave Arafah quietly and peacefully after sunset. The Prophet (peace be upon him) left Arafah very peacefully and quietly, holding the reins of his she camel so tightly that its head touched its back, while he said to the people, "O people, walk calmly; rushing or making haste is not a virtue." This is reported by Bukhari and Muslim. They also reported that the Prophet (peace be upon him) let his she camel go at normal pace, but when he found ample space in front of him he urged it to go faster." He did this out of compassion and consideration for the people.

It is desirable for pilgrims to utter talbiyah and make remembrance of Allah as much as possible. The Prophet (peace be upon him) repeated talbiyah right until he threw pebbles at Jamarah Al-'Aqabah. Ash'ath bin Sulaim reported from his father that he said, "I went with Ibn 'Umar from Arafah to Muzdalifah. He did not stop making remembrance of Allah and declaring His Oneness until we reached Muzdalifah." This is reported by Abu Daw'ud.

## Fiqh 5.10: Hajj of a Woman

Hajj is obligatory both for women and men alike; they must perform it whenever they meet the above mentioned prerequisites for it. In the case of a woman it is essential that she be accompanied by her husband or some other mahram (Al-Hafiz said in his Al-Fath: "According to the scholars. the condition for being a mahram to a woman is that legally it should be impossible for such a man to ever marry her) relative on the journey for Hajj.

Ibn 'Abbas reports: "I heard the Prophet (peace be upon him) saying: 'A man must never be alone with a woman unless there is a mahram with her. A woman also may not travel with anyone except a mahram relative.' A man stood up and asked: 'O Prophet of Allah! My wife has gone for Hajj while I am enlisted for such and such a battle, what should I do?" The Prophet (peace be upon him) replied, 'Go and join your wife in Hajj." (Reported by Bukhari and Muslim; the words given here are of Muslim's. This order underlines something desirable; it does not obligate the husband or the mahram to travel with the woman, if there is no one else but him. No one is obligated to give up his convenience so that another person might do what is not required of him)

Yahya bin 'Abbad reported that a woman from Iraq wrote to Ibrahim AnNakh'i: "I have not yet performed the prescribed Hajj; for although I am rich, I have no mahram who may accompany me on this trip." He wrote her back: "You are one of those whom Allah has not given the means to perform (Hajj)." Abu Hanifah, Al-Hassan, At-Thauri, Ahmad and Ishaq all hold a similar view on this issue.

Al-Hafiz says: "Among the Shafi'ite scholars the most commonly accepted opinion in this regard is that a woman may travel with her husband, or one of her mahram relatives, or a group of trustworthy women, or even one such (trusted) woman companion. According to one view, reported by Al-Karabisi and recorded as sound in Al-Muhazhib, a woman may travel by herself provided the way to Hajj is secure and safe. This applies to both Hajj and 'Umrah.

It is reported in Subul as-Salaam: "A group of scholars hold that an old woman may travel without being accompanied by any mahram relative."

This permission for a woman to travel without a mahram in the company of trusted companions or when the journey to Hajj is safe is supported by what is reported by Bukhari from 'Adi ibn Hatem, who says: "I was with the Prophet (peace be upon him) when a man came to him and complained of poverty. Another man complained about highway robbery. Thereupon the Prophet (peace be upon him) said: 'O 'Adi! Have you seen the city of Hira in Iraq?' I said: 'No, but I have heard about it.' The Prophet (peace be upon him) said: 'If you lived long enough you will see that a woman will travel from Hira and will perform Tawaf round Ka'bah, and she will have no fear except that of Allah."

This opinion is supported by the fact that 'Umar gave permission to the wives of the Prophet (peace be upon him) to perform Hajj while accompanied by 'Uthman and Abdur-Rahman ibn 'Awf. 'Uthman would announce them to people telling them to avoid looking at them or coming close to their camels.

If, however, a woman fails to abide by this provision and performs Hajj alone - without being accompanied by any mahram - her Hajj would still be valid.

The author of Subul as-Salaam says that Ibn Taimiyyah said: "Hajj of a woman without a mahram is valid, and likewise of a person who is financially not able to perform it."

In brief, those for whom Hajj is not compulsory due to sickness, poverty, fear of highway robbery, or in

the case of a woman because no mahram is available to accompay her, if these people nonetheless perform Hajj, it will be credited to their account. Some of them try their best (and exert themselves to the utmost) like those performing Hajj on foot, while others are guilty of sins, such as those who beg others to help them perform Hajj, or a woman that performs Hajj without a mahram male companion. Notwithstanding their valid excuse, if any of these people perform Hajj, it will be quite valid, for their sin relates to their (choice of unlawful) means and has no bearing on the objective as such.

It is reported in Al-Mughni: "If a person, not obliged to perform Hajj because he is unable (financially) to do so, should seek to perform Hajj, suffering hardship, traveling on foot and without necessary provisions, his Hajj will be quite valid and acceptable."

### Fiqh 5.100: Combining Maghrib and 'Isha

Upon arriving in Muzdalifah the Prophet (peace be upon him) offered Maghrib and two rak'ahs for 'Isha (making qasr). He ordered one single call for both 'Isha and Maghrib, but a separate iqamah for each. No other supererogatory prayer is to be olfered in between these two prayers. In the hadith recorded by Muslim we read that the Prophet (peace be upon him) arrived in Muzdalifah, and combined the Maghrib and 'Isha prayers, with one azhan and two iqamah.s. He did not offer any other prayer in between the two. Combining these prayers is, according to the consensus of the scholars, a sunnah, though there is disagreement as to those who offer these two prayers separately in their times. Most of the scholars consider it permissible, but hold that following the example of the Prophet is far more preferable. Thawri and other knowledgeable people are of the opinion that a pilgrim offering Maghrib prayer at any place other than Muzdalifah must re-do it. They are of the opinion, however, that offering Zuhr and 'Asr prayers separately in their due times is permissible, but it is a disliked act.

### Fiqh 5.100 a: Spending the Night at Muzdalifah

Jabir says: "When the Prophet (peace be upon him) reached Muzdalifah, he offered both Maghrib and 'Isha prayers, then he lay down to sleep. He slept until dawn, then he got up and offered Fajr prayer, and mounted his she camel, Al-Qaswa. When he reached Al-Mash'ar Al-Haram he stopped there until there was light all around, then before sunrise, he left the place. There is no evidence to show that the Prophet (peace be upon him) spent the night (at Muzdalifah) in prayers and supplications. This is the correct position about spending the night at Muzdalifah and stopping there in the light of the practice of the Prophet (peace be upon him).

Ahmad holds that spending the night at Muzdalifah is obligatory for all pilgrims except shepherds and water providers for whom it is not obligatory to do so. All the imams of schools of Islamic law consider stopping and spending some time at Muzdalifah obligatory. They do not, however, regard spending the entire night there as obligatory. Spending some time there, means being present physically, in any posture or condition, standing, sitting, being awake or asleep, walking. or passing by.

The Hanafi school is of the opinion that it is obligatory to be present at Muzdalifah before the dawn of Yaum al-Nahr (the 10th of Zhul-Hijjah). So, if one fails to do so without a genuine excuse, one must offer a sacrifice unless one has a genuine excuse in which case one is not obligated to be physically present, nor does one incur any penalty.

The Maliki school holds that stopping at Muzdalifah, before dawn, and spending some time there is enough, while going from Arafah to Mina, is obligatory when one has no excuse to do otherwise. For a pilgrim with a genuine excuse stopping and staying at Muzdalifah is not obligatory.

The Shafi'i school holds that only the physical presence in the second half of the night of the 10th of Zhul-Hijjah at Muzdalifah, after spending the day at Arafah, is obligatory. One is not required to spend the entire night there, nor is it essential even to make sure whether the place one is staying is within the boundaries of Muzdalifah.

It is the sunnah, however, to offer Fajr prayer at its early time, then head for and stop at Al-Mash'ar al-

Haram till daylight spreads before the sunrise. One should spend this time in supplication and remembrance of Allah. Allah says in the Qur'an (2.198): "Then when you pour down from (mount) Arafah, celebrate the praises of Allah at the Sacred Monument and celebrate His praises as He has directed you, even though, before this, you went astray. Then pass on at a quick pace from the place whence it is usual for the multitude to do so, and ask for Allah's forgiveness. And Allah is Oft-Forgiving, Most Merciful."

Before sunrise, the pilgrims leave Muzdalifah tor Mina, but when they pass through the valley called Muhassir, they should pass it at a quicker pace.

## Fiqh 5.101: Stopping Place at Muzdalifah

One may stop anywhere in Muzdalifah, except the valley called Muhassir (between Muzdalifah and Mina). Jubair bin Mot'im reported that the Prophet (peace be upon him) said: "The entire area of Muzdalifah is a place to stay, but avoid the valley called Muhassir." This is reported by Ahmad with a sound chain of authorities. Spending the time at Muzdalifah at a place called Quzah, (The Quraish used to stop there in the pre-Islamic period instead of staying at Arafah) is, however, better.

In a hadith reported by Ali we read that when the Prophet (peace be upon him) arrived at Joma (a place in Muzdalifah), he stood there and said, "This is Quzah, the place to stop; and the entire Joma is a stopping place." This is reported by Abu Daw'ud and Tirmizhi, who considers it a sound hadith.

## Fiqh 5.101 a: Rites of Yaum Al-Nahr (lOth of Zhul-Hijjah)

The rites of the 10th of Zhul-Hijjah are performed in the following order:

These rites begin with throwing the pebbles, followed by offering the sacrifice, shaving one's head, pertorming a tawaf around Ka'bah. Observance of these rites in this sequence is sunnah. If one of these is performed before or after another there is no harm, according to most scholars.

This is the standpoint of Ash-Shafi'i based on a hadith reported by Abdullah bin 'Amr who said: "The Prophet (peace be upon him) stood in Mina during the Farewell Hajj, while the people asked him questions and he answered them. A man asked, 'O Prophet of Allah! I was not alert and I shaved my head before slaughtering my animal?' The Prophet (peace be upon him) said, 'There is no harm, go and slaughter your animal.' Another man asked, 'I slaughtered the animal before I threw the pebbles?' The Prophet (peace be upon him) told him, 'There is no harm. Go and throw the pebbles.'" The narrator said: "Whoever asked the Prophet (peace be upon him) about anything done before or after the other he told him 'No harm done. Go and do (whatever you missed).'"

Abu Hanifah is of the opinion that if someone failed to observe the proper sequence in performing these rites, and he did delay or precede a rite, he must olfer a sacrifice, interpreting the words "no harm done" of the Prophet (peace be upon him) to mean that such a person is not guilty of any sin, but nonetheless such a person has to slaughter an additional animal in atonement.

## Fiqh 5.102: The First and the Second Removal of Ihram

After throwing the pebbles on the 10th day of Zhul-Hijjah and shaving the head or clipping some hair of it, a pilgrim is released from all restrictions of the state of ihram. He may now wear perfume, put on regular clothes, etc., except approaching his wife sexually. This is known as the first removal of ihram. After completing Tawaf Al-Ifada, an essential rite of Hajj, everything is permissible for him including approaching his wife sexually. This is called the second or final removal of the state of ihram.

## Fiqh 5.102 a: Throwing the Pebbles - Their Origin

Al-Baihaqi reported from Salim bin Abi Al-J'ad that Ibn 'Abbas said that the Prophet (peace be upon

him) said: "When Abraham (peace be upon him) wanted to perform the Hajj rites, Satan blocked his way near 'Aqabah. (Jamarah Al-Aqabah is on the left side inside Mina; the Jamarah Al-Wusta (the Middle Jamarah) is at about 11,677 meters from the first one, while Jamarah Al-Sughra (the Smallest Jamarah) is 1,564 meters further from the middle one) Abraham threw seven pebbles at him whereupon the Satan sunk into the ground. Again the Satan appeared to him near the second Jamarah. Abraham threw seven pebbles at him and he again sunk into the ground. Once again the Satan approached him near the third Jamarah, and again Abraham threw seven pebbles at him and once again the Satan sunk into the ground." Ibn 'Abbas added, "You throw pebbles at the Satan, and (in doing so) you follow the path of your (great) forefather Abraham (peace be upon him)." Al-Munzhri said: "This is reported by Ibn Khuzaimah in his Sahih and by Al-Hakim, and it is sound according to their criterion."

### Fiqh 5.102 b: Wisdom Behind Throwing Pebbles

In his Al-Ahya, Al-Ghazali says: "As to the throwing of the pebbles, it is an expression of the thrower's intention to obey Allah's commandment, and a demonstration of his humility and servitude to Him. It signifies compliance with divine commandment without any trace therein of any selfish pleasure, sensuous or intellectual.

"By throwing pebbles, one emulates Abraham when Satan - may Allah curse him - blocked his way at that place in order to cast doubts in his heart or tempt him and divert him away from his Lord, so Allah commanded Abraham to drive the Satan away by throwing pebbles at him.

"Theretore, if you are tempted to think that Satan appeared to Abraham and therefore he threw pebbles at him, but I am not tempted by Satan, so there is no need tor me to throw these pebbles - if such a thought comes to you - then you must realize that this thought itself is from Satan, who suggests it to make you think there is no benefit in it, and so weaken your resolve and prevent you from throwing pebbles. Fight against these evil whispers with firmness, resolution and by throwing pebbles despite these suggestions. You must also realize that although you are apparently throwing pebbles at the Jamarahs, in reality you are hurling these in the face of Satan and thereby breaking his backbone. This is not possible except by submitting to the commandments of Allah, in submission to Him, and without seeking gratification of any personal desire."

### Fiqh 5.103: Its Legality, Throwing Pebbles

The majority of scholars is of the opinion that throwing the pebbles is necessary (wajib), but it is not obligatory. Anyone failing to throw pebbles is required to offer a sacrifice as reported by Ahmad, Muslim, and Nasa'i from Jabir who said, "I saw the Prophet (peace be upon him) riding his mount and throwing pebbles on the Day of Nahr (10th of Zhul-Hijjah), and saying, 'Take your rituals from me. I do not know whether I will be able to perform another Hajj after this one'."

Abdur Rahman Al-Taimi said: "The Prophet (peace be upon him) commanded us in the Farewell Hajj to use small pebbles (the size of a pea)."This was reported by At-Tabarani in his Al-Kabir with a sound chain of authorities.

### Fiqh 5.103 a: The Size of the Pebbles

The pebbles, as stated in the above hadith, should be no bigger than the size of a pea. That is why the scholars consider this size as desirable. If, however, someone throws a bigger stone, according to the majority of scholars, it will suffice him for completing the rite, but it is disliked. Ahmad holds that it will not be sufficient for him until he repeats it with pebbles (of suitable size), because the Prophet (peace be upon him) practiced it, and he forbade the use of bigger stones.

Sulaiman bin 'Amr bin Al-Ahwas Al-Azdi reported from his mother that she said, "The Prophet (peace be upon him) was at the bottom of the valley, and he was saying, "O People! Do not kill each other! When you throw pebbles, use pebbles the size of a pea." This was reported by Abu Daw'ud.

Ibn 'Abbas reported: "The Prophet told me 'Come, pick some pebbles for me!' I picked small pebbles like peas. When I gave these pebbles to him, he said, "Use pebbles similar to these (in throwing), and beware against exaggerating in your religion, for those before you were destroyed because of their exaggeration in religion." This was reported by Ahmad and Nasa'i, its chain of authorities being sound. The majority of scholars take these ahadith as indicating preference for the size of pebbles. There is consensus that only stones (pebbles) be thrown and not iron, lead etc.

The Hanafi school, however, disagrees and holds that it is permissible to use anything that comes from the earth, stones, clay, bricks, soil, or ceramics etc., because the hadith mentions throwing only (and does not specify as to what should be used). The practice of the Prophet (peace be upon him) and his companions indicates the preterence and does not specify anything in particular. The first opinion is preferable because the Prophet (peace be upon him) used pebbles and he ordered others to throw pebbles like peas, which may apply to various kinds of pebbles but not to anything else.

### Fiqh 5.104: Where to Pick the Pebbles From

Ibn 'Umar used to pick his pebbles from Muzdalifah, and so did Sa'id bin Jubair. Ash-Shafi'i regards this preferable, but according to Ahmad one may pick pebbles from anywhere one wants.

'Ata and Ibn Al-Munzhir hold a similar view, for in the hadith of Ibn 'Abbas the words used by the Prophet (peace be upon him) are "pick (some pebbles) for me" without specifying the place whence these were to be picked.

According to the Hanafi and Shafi'i schools, and Ahmad it is permissible, though undesirable, to use pebbles that have been used before. Ibn Hazm holds it permissible without any dislike. He says, "Throwing the pebbles that are used before is permissible, and so is throwing pebbles while mounting an animal."

Neither the Qur'an nor Sunnah forbids the use of used pebbles. Logically speaking, had those pebbles not been re-used by multiple pilgrims, there could have been mountains of them in the area.

As to throwing pebbles while riding one's mount we read in the hadith of Qudamah bin Abdullah that he said, "On the Day of Sacrifice, I saw the Prophet (peace be upon him) throwing pebbles on the first Jamarah Al-Aqabah while he was riding a light-colored she camel without throwing them hard or slow, nor pushing and shoving others."

### Fiqh 5.104 a: The Number of Pebbles

The total number of pebbles to be thrown is either seventy (70) or forty nine (49). Seven of these are to be thrown on the first Jamarah Al-Aqabah on the 10th of Zhul-Hijjah; twenty one on the 11th day, seven at each of the three jamarahs; and similarly twenty one on the 12th day, throwing seven at each of the three places. The last twenty one pebbles are likewise to be thrown, seven at each of the jamarahs, on the 13th day of Zhul-Hijjah. The total number of these pebbles comes to seventy pebbles.

If a pilgrim throws the pebbles for only three days (the 10th, 11th and 12th of Zhul-Hijjah), and does not throw on the 13th day, he may do so without any harm. In such a case the total number will be forty nine pebbles.

According to Ahmad throwing five pebbles will suffice a pilgrim. 'Ata says throwing five pebbles will complete his Hajj rites. Mujahid said, "If a pilgrim throws six pebbles he may do so without incurring any penalty."

Sa'id bin Malik reported: "We returned with the Prophet (peace be upon him) after Hajj. Some of us said they had thrown six, others said they had thrown seven pebbles. But none of us found fault with others for doing so."

### Fiqh 5.105: Days of Throwing the Pebbles

The days for throwing pebbles are either three or four days: the 10th, 11th and 12th of Zhul-Hijjah or these three and the 13th of Zhul-Hijjah. Allah says in the Qur'an (2.203): "Celebrate the praise of Allah during the appointed days. But if any one hastens to leave in two days there is no blame on him, and if anyone stays on there is no blame on him, if his aim is to do right."

### Fiqh 5.105 a: Throwing Pebbles on the Day of Sacrifice (10th Zhul-Hijjah)

The best time to throw the pebbles is forenoon on the 10th of Zhul-Hijjah, because the Prophet (peace be upon him) threw the pebbles before noon on that day.

Ibn 'Abbas said that the Prophet (peace be upon him) permitted the old and weak people of his family to throw first. Then he said, "Do not throw pebbles at the first Jamarah Al-Aqabah before the sunrise." This was reported by Tirmizhi, who considers it a sound hadith. Deferring the throwing to the end of the day is, however, permissible.

Ibn Abdul Barr said: "There is consensus among the scholars that if a pilgrim throws pebbles on the 10th of Zhul-Hijjah before the sunset, he will be considered as having thrown in time, although doing so is not desirable."

Ibn 'Abbas reported that on the Day of Sacrifice the Prophet (peace be upon him) was told by a man at Mina that he had thrown his pebbles after sunset, whereupon he said to the man, "There is no harm." This was reported by Bukhari.

### Fiqh 5.105 b: Delaying Throwing Until After Dark

Delay in throwing pebbles until after dark is permissible if there is a genuine excuse for doing so as related by Malik from Nafi' that a daughter of Safiyah, wife of Ibn 'Umar, gave birth to a baby in Muzdalifah. So she and Safiyah (her mother) were left behind, and they arrived in Mina after sunset on the 10th of Zhul-Hijjah. Ibn 'Umar asked them to throw their pebbles when they arrived and he found no harm in their doing so.

It is disliked, however, to delay throwing the pebbles without a valid excuse until after dark. According to the Hanafi and Shafi'i schools, and in the light of a narration from Malik, there is no penalty for delaying the throwing of pebbles, considering the aforementioned hadith of Ibn 'Abbas. Ahmad is of the opinion that if a pilgrim delays the throwing of pebbles till the end of the Day of Sacrifice. then he should not throw pebbles during the night, but should throw them the next afternoon.

### Fiqh 5.106: Concession for the Weak and Others with a Valid Excuse to Throw Pebbles after Midnight of Sacrifice (10th of Zhul-Hijjah)

There is consensus on throwing pebbles before midnight on the 10th of Zhul-Hijjah (the Night of Sacrifice). It is permissible, however, for women, children, the weak, those who have a valid excuse, and the shepherds to throw pebbles at Jamarah Al-Aqabah in the night.

'Aishah reported that the Prophet (peace be upon him) sent Umm Salamah on the night of the 10th to throw her pebbles. She did so before dawn after which she went back to Makkah for tawaf. This is reported by Abu Daw'ud and Al-Baihaqi, who says that its chain is sound.

Ibn 'Abbas reported that the Prophet (peace be upon him) permitted the herdsmen tending the camels to throw their pebbles during the night. This is reported by Bazzar with a chain of narrators including Khalid Al-Zanji, who is considered an unreliable reporter. 'Urwah reported that the Prophet (peace be upon him) went to Umm Salamah on Yaum al-Nahr and ordered her to hasten for Muzdalifah, and then to Makkah (after throwing the pebbles in Mina during the night) and to offer Fajr prayer there. That day

was her turn to be with him and she desired to be with him. This was reported by Ash-Shafi'i and Al-Baihaqi.

'Ata reported that someone told him about Asma who threw pebbles at the first jamarah during the night, and said, "We used to do so during the lifetime of the Prophet (peace be upon him)." This is reported by Abu Daw'ud.

Tabari said: "Ash-Shai i'i refers to the reports transmitted by Umm Salamah and Asma and concludes that it is permissible to go to Makkah atter midnight.

Ibn Hazm, however, holds that the permission to throw at night applies to women only; it does not apply to men, whether strong or weak. These ahadith also show that it is permissible for anyone with a valid excuse to go a night earlier and throw the pebbles at night. Ibn Al-Munzhir said: "The sunnah (in this respect) is to throw the pebbles after sunrise, for this is what the Prophet (peace be upon him) did. It is not permissible to throw pebbles before sunrise, for such an act would be contrary to sunnah. But if one does so, he need not repeat it, because I have heard none (of the scholars) saying this was not acceptable."

### Fiqh 5.107: Throwing from Atop

Al-Aswad said: "I saw 'Umar throwing his pebbles at the Jamarah AlAqabah from a place above it." 'Ata was asked about throwing pebbles from above to which he replied, "There is no harm in it." This is reported by Sa'id ibn Mansur.

### Fiqh 5.107 a: Throwing During the Three Days

The time appointed for throwing pebbles during the three days is from midday until sunset. Ibn 'Abbas reported that the Prophet (peace be upon him) threw the pebbles at midday or thereafter. This is reported by Ahmad, Ibn Majah and Tirmizhi who consider it a sound hadith.

Al-Baihaqi has reported on the authority of Nafi' that Abdullah bin 'Umar used to say "We used not to throw the pebbles during the three days until after the sun was past the meridkul. Delaying the throwing of pebbles till night was disliked. The time for throwing pebbles dul-ing the night was until the sunrise of the next day. All Imams of Islamic law. except Abu Hanifah, agree on this point. Abu Hanifah holds that throwing pebbles before midday on the third day is permissible. He based his opinion on a rather weak hadith transmitted by Ibn 'Abbas which says, "When day breaks on the 13th of Zhul-Hijjah, it is permissible to throw one's pebbles and depart from Mina (to Makkah)."

### Fiqh 5.107 b: Supplications After Throwing Pebbles During Ayam At-Tashriq (llth, 12th, and 13th of Zhul-Hijjah)

It is desirable to stand facing the Qiblah, to praise Allah, while supplicating to Him for forgiveness for oneself, and for other fellow Muslims. Ahmad and Bukhari have reported from Salim bin Abdullah bin 'Umar and he from his father that when the Prophet (peace be upon him) threw pebbles at the first Jamarah, which is near the mosque, he said, Allahu Akbar. Thus he threw seven pebbles and each time he said Allahu Akbar. Then he went, turned left toward the bottom of the valley. There he stood tor quite a long time tacing the direction of Qiblah, and raising his hands supplicated to Allah. Then he went and threw seven pebbles at the second Jamarah saying Allahu Akbar with each throw. Thereafter he went to the left of the bottom of the valley, stood there facing Qiblah and supplicated to Allah with raised hands. Then he went to the Jamarah near Aqabah, threw seven pebbles at it, uttering a fakhir with each throw. After this he left and did not pause. According to this hadith the Prophet (peace be upon him) did not pause after throwing pebbles at the Jamarah Al-Aqabah, but he did pause after throwing pebbles at the other two Jamarahs.

The scholars have in the light of the above hadith suggested that after any throwing (of pebbles at the Jamarahs) that is not followed by another throwing the same day one should not stop (for

supplications), but if one throwing (of pebbles) is followed by another throwing the same day one should stand there for supplications.

Ibn Majah has reported from Ibn 'Abbas that after throwing pebbles at the Jamarah al-Aqabah, the Prophet (peace be upon him) used to leave, and not stop (for supplications).

### Fiqh 5.108: Order in Throwing Pebbles

It is confirmed that the Prophet (peace be upon him) used to begin with the first Jamarah that is near Mina, then he would go to the middle Jamarah further away, and then he would go to the Jamarah Al-Aqabah. Likewise it is proven that he said, "Take your religious rites from me."

The three of the leading Imams take this as indicating that observing sequence in throwing pebbles at the Jamarahs is a necessary condition and must be azhered to, because this is what the Prophet (peace be upon him) did. The Hanafi school, however, holds that sequence is only sunnah.

### Fiqh 5.108 a: A Takbir and a Supplication with Every Throw Holding the Pebble Between the Index Finger and the Thumb

Ibn Mas'ud and Ibn 'Umar at the time of throwing pebbles used to say, Allahumma ij'alhu Hajjan mabruran wa zhanban maghfuran "O Allah! Accept this Hajj of ours and pardon our sins".

Ibrahim said, "The Companions of the Prophet loved that while throwing pebbles at Jamarah Al-Aqabah one should supplicate, "O Allah, accept this Hajj of ours and forgive our sins.'' When asked if this supplication should be made at the time of throwing pebbles at each of the other Jamarahs as well he replied in the affirmative.

'Ata said, "When you throw the pebbles you should utter a takbir (Allahu Akbar) with each throw. This is reported by Sa'id bin Mansur. According to the hadith of Jabir, the Prophet (peace be upon him) uttered Allahu Akbar with each pebble that he threw. The author of Al-Fath says: "There is consensus that there is no harm if someone tails to utter a takbir."

Salman bin Al-Ahwas reported from his mother that she said. "I saw the Prophet (peace be upon him) riding his mount at Aqabah holding a pebble between his fingers and throwing it, while others were also throwing pebbles with him." This is reported by Abu Daw'ud.

### Fiqh 5.108 b: Throwing Pebbles on Behalf of Others

Persons who for a valid reason, illness, etc., cannot themselves throw the pebbles they may ask someone else to throw pebbles on their behalf. Jabir said, "We performed Hajj with the Prophet (peace be upon him) and we had some women and children with us. We (adults) uttered talbiyah and threw pebbles on behalf of the children." This was reported by Ibn Majah.

### Fiqh 5.109: Sleeping (the Night) at Mina

Spending three nights or two nights, the 11th and 12th of Zhul-Hijjah, at Mina is necessary (wajib), according to the three Imams of the Islamic law. The Hanafi school regards sleeping at Mina as sunnah only.

Ibn 'Abbas said, "After you have thrown the pebbles you may spend the night wherever you wish." This is reported by Ibn Shaibah. Mujahid said, "There is no harm if one spends the first portion of the night at Makkah, and the last one at Mina, or the first portion of the night at Mina and the last one at Makkah." Ibn Hazm said, "A pilgrim who does not spend the night at Mina does wrong, but he does not incur any penalty.

There is consensus that in the case of those who have a genuine excuse, like water carriers, and shepherds, sleeping the night at Mina is not necessary, and if they leave out anything they don't incur any penalty.

The uncle of the Prophet (peace be upon him), Abbas, sought and got permission from the Prophet (peace be upon him) to spend these nights (supposed to be spent in Mina) at Makkah so that he could attend to his functions as provider of drinking water to the pilgrims. This was reported by Bukhari and others.

'Asam bin 'Adi reported that Prophet (peace be upon him) excused the shepherds from sleeping at Mina. This is reported in the Sunan, and Tirmizhi considers it a sound hadith.

### Fiqh 5.109 a: When to Return from Mina

The three schools of Islamic law hold that the pilgrims must return from Mina to Makkah before the sunset of the 12th of Zhul-Hijjah after throwing the pebbles.

The Hanafi school, however, is of the opinion that pilgrims may return to Makkah betore the dawn of the 13th of Zhul-Hijjah. Leaving after sunset is, however, disliked for it is against the sunnah. but one who does so incurs no penalty.

### Fiqh 5.109 b: Sacrificial Animals

These are animals brought to the Haram, the Sacred Mosque, seeking the closeness and pleasure of Allah, Who says in the Qur'an (22.36), "The sacrificial camels We have made for you as among the symbols from Allah: in them is (much ) good for you: then pronounce the name of Allah over them as they line up (tor sacrifice) when they are down on their sides (after slaughter), eat you thereof, and feed such as beg with due humility: thus have We made animals subject to you, that you may be grateful. It is not their meat nor their blood, that reaches Allah: it is your piety that reaches Him."

'Umar said, "Sacrifice animals, for Allah loves sacrifice. The Prophet (peace be upon him) offered one hundred camels in sacrifice for the pleasure of Allah." This offering by him was supererogatory.

### Fiqh 5.110: The Best Animals for Sacrifice

There is consensus among scholars that a sacrifice must be of one of the animals, and that the best of these are, camels, then cows, then sheep and so on, for a camel is more beneficial for the poor because of its great size (more can benefit from its meat), and similarly a cow is more useful than a sheep.

There is disagreement, however, as to what is best for an individual to offer in sacrifice, a camel or a cow sharing one seventh of their price, or a sheep. Apparently the preference in this regard is to what is more useful and beneficial for the poor and the needy.

### Fiqh 5.110 a: The Minimum Number to Be Sacrificed

One may sacrifice any animal one chooses. The Prophet (peace be upon him) offered a hundred camels as a supererogatory sacrifice. The minimum number of animals a person is obligated to sacrifice is one sheep, or one-seventh portion of a camel or a cow (by sharing one-seventh of their price). A camel or a cow may be sacrificed on behalf of seven people. Jabir said: "We performed Hajj with the Prophet (peace be upon him), and we slaughtered a camel for seven persons, and a cow for seven persons." This was reported by Ahmad and Muslim.

For a sacrifice to be acceptable it is not necessary that all the partners should be of one mind. Thus if some do it for the pleasure of Allah, while others do it to obtain meat, it would still be valid. The Hanafi school, however, holds that a necessary condition for sacrificing is that all the partners must have the

pleasure of Allah in mind while offering sacrifice.

### Fiqh 5.110 b: When Is It Obligatory to Sacrifice a Camel?

Sacrificing a camel is not necessary except for a pilgrim who performs tawaf in a state of ritual impurity (Junub) or a female pilgrim performs tawaf while still menstruating or in confinement after childbirth, or a pilgrim who has sexual intercourse with his wife after spending the Day at Arafah but before shaving (or clipping) the hair, or a pilgrim who vows to sacrifice a camel; in all such cases one must sacrifice a camel. And if a camel is not available then offer seven sheep instead.

Ibn 'Abbas reported that a man came to the Prophet (peace be upon him) and told him that he had to sacrifice a camel which he could easily afford but could not find. Thereupon the Prophet (peace be upon him) said to him, "Buy seven sheep and sacrifice them instead." This is reported by Ahmad and Ibn Majah with a sound chain of narrators.

### Fiqh 5.110 c: Kinds of Sacrifice

Sacrifice may be divided into two categories, one that is desirable, and the other that is obligatory.

As for the desirable one, an example of it is that which is required of pilgrims who perform Hajj only (Hajj Ifrad), or who perform 'Umrah only. As to the obligatory sacrifice it may be one of the following:

1 That which is obligatory for those performing Hajj Iqran (combining Hajj and 'Umrah without a break in between),

2 or Hajj Tamattu' (combining Hajj and 'Umrah but with a break in between).

3 That which is obligatory for a pilgrim who misses out an essential ritual of Hajj, e.g., throwing pebbles, or putting on ihram from a miqat (a place designated for entering into a state of ihram), or combining day and night while camping at Arafah, or spending the night at Muzdalifah or Mina or departing Makkah without performing Tawaf al-Wida' (Farewell circumambulation).

4 That which is obligatory for a pilgrim committing something forbidden in the state of ihram, other than sexual intercourse, wearing perfume or shaving.

5 That which is obligatory for committing a crime within the sacred precincts of Haram, like hunting or cutting trees within the Sacred precincts of Haram. All these have been explained above in their respective sections.

### Fiqh 5.111: Conditions for Sacrifice

A sacrificial animal should satisfy the following conditions:

1 It should be two years old, if it is an animal other than a sheep. As for sheep, even a six month old lamb may be sacrificed, but it should be fat and healthy. As for a camel, it must be at least five years old, a cow two years old, and a goat a year old at least.

2 It should be healthy and free from all physical defects. It should not be one eyed, nor should it limp, be mangy, or very thin and weak. Al-Hasan said that the scholars said: "If a man purchases a healthy animal for sacrifice. but later before its slaughtering it becomes sick or loses one eye or develops a limp in her legs, then such a person may slaughter it as a sacrifice and that will sulfice him (to fullfil his obligation)." This was reported by Sa'id bin Mansur.

### Fiqh 5.111 a: Selecting One's Own Sacrificial Animal

Malik has reported from Hisham bin 'Urwah and he from his father that he used to tell his sons: "O my sons! Do not slaughter an animal in the name of Allah such as you will be embarrassed to present as a gift to a close and respected friend of yours. Allah is the Most Honorable and Most Generous, and He is the most deserving to be offered the best of what you have."

Sa'id bin Mansur reported that Ibn 'Umar once mounted in Makkah on a nice she-camel, which he liked very much, and said, "Excellent! Excellent!" admiring it. Then he dismounted, marked it as an offering, and a sacrifice for the pleasure of Allah.

### Fiqh 5.112: Marking the Sacrificial Animal and Garlanding It

Ish'ar (or marking) means that a camel or cow to be slaughtered is marked by cutting off their humps on one side. This serves as a mark that they are intended for sacrifice so that no one should cause them any harm.

And taqlid or garlanding means putting a leather piece around the sacrificial animal's neck to mark it as such.

The Prophet (peace be upon him) garlanded the sheep that he had marked out for slaughtering and sent them with Abu Bakr to Makkah when he performed Hajj in the 9th year after Hijrah. It is affirmed by ahadith that the Prophet (peace be upon him) garlanded sacrificial animals, marked them and doned ihram for 'Umrah at the time of Hudaibiah. Most scholars, except Abu Hanifah, hold that marking the sacrificial animal is desirable.

### Fiqh 5.112 a: Wisdom behind Ish'ar and Taqlid

The wisdom behind these two acts concerns reverence for Allah's commands, and an expression of that reverence, besides serving as a means of informing people that these animals are on their way to the House of Allah to be slaughtered there for His pleasure.

### Fiqh 5.112 b: Riding the Sacrificial Animals

It is permissible to ride and benefit from the sacrificial animals (e.g., camels or cows). Allah says in the Qur'an (22.33): "In them (i.e., animals) you have benefits for a term appointed. In the end their place of sacrifice is near the Ancient House."

Dahak and 'Ata said: "Benefiting from them here means using them for riding when needed, and benefiting from their milk and wool." The phrase "appointed term" refers to the term when a pilgrim marks the animal for sacrifice until it is slaughtered. And the words "In the end their place is near the Ancient House" refer to the Day of Slaughter or Sacrifice (Nahr), the 10th of Zhul-Hijjah.

Abu Hurairah reported that the Prophet (peace be upon him) saw a man driving a she-camel to the place of slaughter. The Prophet (peace be upon him) said to the man, "Mount it." The man replied, "It is a sacrificial animal." The Prophet (peace be upon him) said to him twice or thrice, "Woe be to you ! Mount it." This is reported by Bukhari, Muslim, Abu Daw'ud

### Fiqh 5.113: Time of Slaughtering

There is disagreement among scholars about the time of slaughtering. According to Ash-Shafi'i it should be done on the Day of Nahr, 10th of Zhul-Hijjah, and during Ayyam at-Tashriq (the 11th, 12th or 13th of Zhul-Hijjah) in light of the Prophet's words "All the Tashriq days (lOth, 12th and 13th of Zhul-Hijjah) are Days for Slaughtering" as reported by Ahmad.

If one missed slaughtering during these days, then one may slaughter an animal later on to make up for it.

Malik and Ahmad hold that regardless of whether the slaughtering of the animal is obligatory or a supererogatory act of worship it must be done during the appointed days. The Hanafi school also holds the same view concerning a pilgrim pertorming Hajj Tamattu' or Hajj Qiran. Such a pilgrim must slaughter the animal during the appointed (tashriq) days.

As opposed to this, a sacrifice in fullfilment of a vow, atonement of sins, and offered as a supererogatory act of worship may be offered any time during the year.

Abu Salmah bin Abdul Rahman and An-Nakh'i reported that the time for slaughtering is from the Day of Nahr to the end of Zhul-Hijjah.

### Fiqh 5.113 a: Place of Slaughtering

A sacrifice whether it is obligatory (wajib) or voluntary cannot be done except within the Sacred Precincts of Haram. Anywhere within these precincts one may offer the intended sacrifice.

Jabir reported that the Prophet (peace be upon him) said, "All Mina is a place for slaughtering, and the entire Muzdalifah is a place for spending the night; and all roads of Makkah are passageways and places to offer one's sacrifice." This is reported by Abu Daw'ud and Ibn Majah.

It is preferable for a pilgrim, however, to offer his sacrifice at Mina. For a person performing 'Umrah it is preferable to offer his sacrifice near Marwah, as this is the place where pilgrims leave the state of ihram whether performing Hajj or 'Umrah.

Malik has reported that he was told that the Prophet ( peace be upon him) said at Mina, "This is the place for offering sacrifice. All Mina is a slaughtering place." And speaking about 'Umrah, the Prophet (peace be upon him) said, -This - i.e. Marwah - and all roads and paths of Makkah are slaughtering places."

### Fiqh 5.113 b: Slaughtering Camels in a Standing Position

It is desirable to slaughter camels in a standing position with their left legs tied as in the following ahadith:

1 Muslim reported from Ziyad bin Jubair that Ibn 'Umar came upon a man who was slaughtering a camel while it was sitting. He said to the man, "Let it stand up, and tie its legs. This is the sunnah of your Prophet (peace be upon him)."

2 Abu Daw'ud reported from Jabir that the Prophet (peace be upon him) and his companions used to slaughter their sacrificial camels with their left legs tied and standing on three legs."

3 Hakim reported from Ibn 'Abbas concerning the Qur'anic verse (22.36) "then pronounce the name of Allah over them as they line up (for sacrifice)" he interpreted it to mean "as they line up and stand on three legs." As for cows and sheep it is preferable to slaughter them in a lying position. According to some it is disliked to slaughter an animal standing that is to be slaughtered lying down and vice-versa. Others disagree and hold it is not disliked. It is preferable to slaughter one' s animal with one' s own hands, if possible, otherwise one may assign someone else to do it on one's behalf, but one must be present there.

### Fiqh 5.114: Butcher's Wages out of the Sacrifice?

It is not permissible to give a butcher his wages out of the meat of the animal. A butcher may, however, be given a portion of the meat in charity. This is based on the statement of Ali who said, "the Prophet (peace be upon him) ordered me to take care of his camels that were to be slaughtered and to distribute their meat, skins and everything else (among the needy people), but he ordered me not to

give any portion of it to the butcher." And then he said, "We shall give him from ourselves." This is reported by the Group.

This hadith shows that one is permitted to designate someone else to slaughter the animal on one's behalf, distribute its meat, skin and other useful parts among others, but one is not permitted to give any portion of it in wages to the butcher. A butcher should, however, be paid for his work as the Prophet (peace be upon him) said, "We shall give him from ourselves."

It is reported that Al-Hasan said,"There is no harm in giving the skin of the animal to the butcher."

### Fiqh 5.114 a: Eating the Meat of the Sacrificial Animal

Allah commands Muslims to eat of the animals slaughtered in sacrifice: "...eat you thereof and feed such as (beg not but) live in contentment and such as beg with due humility." (Qur'an 22.36)

Apparently this commandment applies to both the obligatory and supererogatory sacrifice. There is some disagreement among the jurists on this subject. Abu Hanifah and Ahmad are of the opinion that one may eat of the sacrifice made for Hajj Tamattu' (In which Hajj and 'Umrah are combined with a break) or Hajj Qiran (In which Hajj and 'Umrah are combined without a break) or one that is offered voluntarily, but one may not eat of any other sacrifice.

Malik holds that one may eat of an animal sacrificed as a penalty for violating one's previous Hajj, or that which is sacrificed for missing one's Hajj, or a sacrifice offered by one performing Hajj Tamattu ', or any other animal offered in sacrifice, except a sacrifice offered as an atonement for killing a game or one that is vowed for the poor, and that which is offered voluntarily except when (it is feared) the animal will be spoiled before arriving at its place of slaughter.

Ash-Shafi'i holds that one is not permitted to eat of an obligatory sacrifice, e.g. an obligatory sacrifice olfered in penalty, or a sacrifice made for killing a game, or one that is offered for spoiling one ' s Hajj, or one offered for Hajj Tamattu' or Hajj Qiran, and likewise that which one has vowed. In case of a voluntary sacrifice, however, one may eat thereof himself as well as give it to others.

### Fiqh 5.115: Amount of Meat to be Eaten of the Sacrifice

A person offering a sacrifice may consume, without any restrictions, any amount of meat he may desire. He may likewise give away or offer in charity any amount he may wish. Some scholars said that one may eat half and give away the other half in charity, while others said that the meat be divided into three parts. Of these one may keep a part, distribute a part, and give in charity the third part.

### Fiqh 5.115 a: Shaving or Clipping Hair

The practice of shaving or clipping hair is affirmed by the Qur'an, the Sunnah of the Prophet, and the consensus of the community. Says Allah: "Truly did Allah fulfil the vision for His Messenger: ye shall enter the Sacred Mosque, if Allah wills, with minds secure, heads shaved, hair cut short, and without fear." (Qur'an 48.27)

Both Bukhari and Muslim have reported that the Prophet (peace be upon him) said, "May Allah bless those who shaved." The Companions asked him, "O Allah's Messenger, what about those who clip their hair short?" Thereupon the Prophet (peace be upon him) again said, "May Allah bless those who shaved." They repeated their question the third time, and again the Prophet said, "May Allah bless those who shaved." When they asked him for the fourth time, "O Allah's Messenger, what about those who clip their hair short?" He said, "And (may Allah bless) those who clip their hair short. (It is said that the reason for repeating supplication for those who shaved their hair is obviously to encourage people to shave rather than cut their hair short only because by shaving off one's hair one demonstrates one's sincerity and humility to Allah without caring for one's physical appearance)

Both Bukhari and Muslim also report that the Prophet (peace be upon him) shaved his head, and so did a group of his Companions, while others only cut their hair short.

Shaving here means removing hair of the head with a razor, etc., or plucking them out. It suffices one, however, to remove only as many as three hairs. And cutting the hair short means cutting the length of one fingertip of the head's hair. The majority of jurists disagree concerning this issue.

Most scholars hold that shaving or cutting the hair short is obligatory, and one failing to do so must slaughter an animal to atone for this omission. According to the Shafi'i school it is an integral part of Hajj.

### Fiqh 5.116: Time of Shaving

A pilgrim may shave or cut his hair short right after throwing the first pebbles at Jamarah Al-Aqabah on the Day of Nahr - the 10th of Zhul-Hijjah. If, however, a pilgrim has with him animals to be slaughtered then he can shave or cut his hair short only after having slaughtered these animals.

In a hadith reported by Ma'mar bin Abdullah we read that the Prophet (peace be upon him) slaughtered his sacrificial animal at Mina and said, "He has commanded me to shave (my head)." This was reported by Ahmad and At-Tabarani.

The time to shave or cut one's hair short while performing 'Umrah is right after completing Sa'i - seven rounds - between Safa and Marwah. As for those who bring their sacrifical animals with them, they may shave right after they slaughter them.

At the time of shaving or cutting one' s hair short, according to Abu Hanifah and Malik, one must be in Haram (within the prencincts of the Sacred Mosque) and it must be during the Days of Nahrm - 10th, 11th, 12th and 13th of Zhul-Hijjah. A narration from Ahmad, based on the above hadith, supports this opinion.

Ash-Shafi'i, Mohammad bin Al-Hasan, and, according to his well known position, Ahmad, are of the view that shaving or cutting of one's hair short must be done within the Sacred Precincts of the Haram, but not necessarily during the Days of Nahr. If one delays shaving one's head until after these days one may do so without any harm or incurring any penalty.

### Fiqh 5.116 a: Etiquette of Shaving or Cutting Short One's Hair

It is liked that while shaving the head one should first shave the right half, then the left side, while facing the direction of Qiblah, uttering Allahu Akbar, and offering a two rak'ah prayer at the end of it. Waki' said, "Abu Hanifah once told me: 'I was mistaken concerning five rites of Hajj and a cupper taught these to me and corrected me. This happened when I went to a cupper and asked him, "How much will you charge for shaving my head?" The cupper said, "Are you from Iraq?" I said, "Yes." The cupper said to me, "Sit down, this is a rite of Hajj, and on it no conditions must be placed." I sat down with my face slightly away from the direction of Qiblah. At this he said, "Turn your face toward the Qiblah." I turned the left side of my head to him to shave it first whereupon he said, "Turn over the right side of your head (that I may shave it first)." I turned the right side to him and he began shaving while I sat quiet. He again said, "Say takbir" which I did, until when I got up to leave, he said, "Where are you going?" I said, "I am going to my camp." He said, "Offer a two rak'ah prayer first, then leave." I asked him, "Where did you learn all this?" He replied, "I have seen 'Ata bin Abi Rabah doing this.""' This was reported by Al-Muhib Al-Tabari.

### Fiqh 5.117: Passing Razor over a Bald Man's Head

The majority of scholars is of the opinion that in the case of a bald man, who has little or no hair at all, it is desirable to pass a razor over his head. Ibn-ul-Munzhir said, "All reliable scholars agree that a razor be passed over the head of a bald man." In Abu Hanifah' s opinion passing razor over the head of a

bald man is obligatory.

### Fiqh 5.117 a: Clipping one's Nails and Shortening Moustaches

It is desirable for those who shave or cut short their hair (as pilgrims) to also clip their finger nails and shorten their mustaches. Whenever Ibn 'Umar shaved or cut short his hair in Hajj or 'Umrah, he would always clip his finger nails and shorten his moustaches.

Ibn al-Munzhir said, "It is confirmed that when the Prophet (peace be upon him) shaved or cut short his hair he clipped his finger nails as well."

### Fiqh 5.117 b: A Woman to Shorten Her Hair but Forbidden to Shave

Abu Daw'ud and others reported from Ibn 'Abbas that the Prophet (peace be upon him) said, "Women (pilgrims) do not have to shave (their heads); they may only shorten their hair." Al-Hafiz considers this a sound hadith.

Ibn Al-Munzhir said, "There is agreement among the scholars on this, because shaving a woman's head is in fact a sort of punishment for her."

### Fiqh 5.117 c: How Much of Her Hair a Woman is to Cut Off

Ibn 'Umar said, "When a woman (pilgrim) wants to cut off her hair, she may hold her hair at the front and cut it off about the length of the tip of a finger." In 'Ata's opinion, while cutting her hair, a woman should cut it off her sides, of the long hair as well as the short ones. This is reported by Sa'id bin Mansur. Others hold that there is no limit as to how much a woman may cut off her hair. The Shafi'i school holds that cutting as much as three hairs is enough for a female pilgrim.

### Fiqh 5.118: Tawaf Al-Ifadah

There is consensus among the Muslims that Tawaf Al-Ifadah is one of the essentials of Hajj, and if someone fails to observe it his Hajj is void. The Qur'an (22.29) says: "Then, let them complete the rites prescribed for them, perform their vows, and (again) circumambulate the Ancient House". According to Ahmad a pilgrim must make a definite intention for its performance.

All the other three Imams hold that having the intention to perform Hajj covers and applies to all its rites including Tawaf Al-Ifadah.

The majority of scholars holds that Tawaf Al-Ifadah is comprised of seven rounds of the Ka'bah. Abu Hanifah, however, is of the view that only four of the seven rounds are essential in Hajj, and if these (four) are missed the Hajj of a person becomes void. The remaining three rounds are necessary (wajib) but not essential. A pilgrim abandoning one or all of these three rounds misses a necessary part, but it does not invalidate his Hajj, although he is required to offer a sacrifice of an animal in atonement for it.

### Fiqh 5.118 a: Time for Tawaf Al-Ifadah

According to Ash-Shafi'i and Ahmad, the time for it is from the midnight of the Day of Nahr, the 10th of Zhul-Hijjah, and its end is indefinite. A male pilgrim is, however, not permitted to have sexual intercourse with his wife until after he completes Tawaf Al-Ifadah. Delaying it beyond the 11th, 12th and 13th of Zhul-Hijjah, does not obligate a person to slaughter an animal, but it is disliked.

The best time for performing this Tawaf is before noon on the Day of Nahr, the 10th of Zhul-Hijjah. According to Abu Hanifah and Malik its time is from the dawn on the Day of Nahr, though concerning its end there is disagreement among scholars.

Abu Hanifah holds that it must be performed during the Days of Nahr, but if a pilgrim delays it beyond these then he must slaughter an animal in atonement for it. Malik, on the other hand, is of the view that there is no harm in delaying this rite until after the 13th of Zhul-Hijjah, though doing it earlier (during the Days of Tashriq) is better. Its time is until the end of the month of Zhul-Hijjah, and if it is performed after it. then one must slaughter an animal in atonement. The Hajj of such a person will still be valid, for the whole month of Zhul-Hijjah, according to Malik, is included in the months of Hajj.

### Fiqh 5.118 b: Women and Tawaf Al-Ifadah

For women it is desirable to perform Tawaf Al-Ifadah early on the Day of Nahr, if they fear they will begin to menstruate. 'Aishah used to order the women (pilgrims) to perform it on the Day of Nahr - 10th of Zhul-Hijjah, as a precaution against the menses.

'Ata said, "If a woman (pilgrim) is afraid of her monthly period, she may perform the Tawaf of Ka'bah before throwing the pebbles at Jamarah Al-Aqabah, and even before her sacrificial animal is slaughtered.

There is no harm in a woman pilgrim using any medicine to delay her periods so as to perform this Tawaf. Sa'id bin Mansur reported that Ibn 'Umar was asked about a woman that takes some medicine to delay her periods. At this he said he saw no harm in it, and told them to use water of Arak instead.

Mohibbuddin Al-Tabri said, "If it can be delayed in this case then it can also be delayed in (determining) the period of 'iddah, and all other situations. On the same principle, medicines may be used to induce monthly periods.

### Fiqh 5.119: Staying in the Valley of Al-Mohasab

It is established that the Prophet (peace be upon him) on his way from Mina to Makkah rested for a while at Al-Mohasab, where he offered Zuhr, 'Asr, Maghrib and 'Isha prayers. Ibn 'Umar would always do likewise.

There is disagreement among the scholars as to its desirability. 'Aishah said that the Prophet (peace be upon him) rested at Al-Mohasab because it was easier to do so, but it is not a sunnah. Hence, one may or may not do so.

Al-Khattabi said that it was something practiced before but was later on abandoned. Tirmizhi said that some scholars liked to rest at Al-Abtah without treating it as necessary, except those who liked it.

The wisdom of resting at this place is to thank Allah for what He bestowed upon His Prophet (peace be upon him) in the form of victory over his enemies who boycotted Banu Hashim and Banu Al-Mutallib and foreswore that they will neither marry their women nor sell anything to them unless they hand over the Prophet (peace be upon him) to them.

Ibn Al-Qayyim said, "The Prophet (peace be upon him) intended to proclaim the rites of Islam at a place where disbelief, blasphemy, and hostility to Allah and His Messenger were dominant."

This was the usual practice of the Prophet (peace be upon him). He would use every opportunity to proclaim the Oneness of Allah at places once dominated by symbols of disbelief and polytheism. One such example is that the Prophet (peace be upon him) ordered that a Mosque in Ta'if be built in the same place where once idols of Lat and 'Uzza stood.

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## Fiqh 5.121: UMRAH

In Arabic the word 'Umrah is derived from al-i'timar which means a visit. Here it means paying a visit to Ka'bah, performing lawaf around it, walking between Safa and Marwah seven times, and then shaving one's head or cutting one's hair short.

There is consensus among scholars that it is a prescribed worship. Ibn 'Abbas reported that the Prophet (peace be upon him) said, "An 'Umrah in the month of Ramadan is equal (in reward) to performing a Hajj." (This does not, however, remove from one the obligation of performing the obligatory Hajj) This was reported by Ahmad and Ibn Majah.

Abu Hurairah reported that the Prophet (peace be upon him) said, "From one 'Umrah to the next is an atonement for any sins committed in between, and the reward for an accepted Hajj is nothing but Paradise." This was reported by Ahmad, Bukhari and Muslim.

### Fiqh 5.121 a: Repeated Performance of 'Umrah

Nafi' said, "During the rein of Ibn Az-Zubair, Abdullah bin 'Umar performed an 'Umrah twice a year." Al-Qasim said, "Aishah performed three 'Umrahs in one year."

Some people asked if any of the scholars criticised her for this. He replied, "May Allah be blessed! (Criticise) the Mother of Believers?!!" The majority of scholars supports this view. Malik, however, holds that the repetition of 'Umrah more than once a year is disliked.

### Fiqh 5.121 b: Umrah Before and During the Months of Hajj

A person may perform 'Umrah during the months of Hajj, without performing Hajj. 'Umar performed 'Umrah during the month of Shawwal and returned to Madinah without performing Hajj. One may, like 'Umar, perform 'Umrah even before Hajj.

Taw'us said, "In the Days of Ignorance the Arabs considered performing an 'Umrah during the months of Hajj as one of the major sins. And they used to say, "When (the month of) Safar ends, and the camels are back, and wounds in their legs are healed, and when traces of footprints (of pilgrims) are effaced, then one wishing to perform 'Umrah may do so."

After the advent of Islam, the people were commanded to perform 'Umrah even during the months of Hajj. Thus, the 'Umrah was permitted during the months of Hajj till the Day of Judgement.

### Fiqh 5.122: Umrahs Performed By the Prophet

Ibn 'Abbas reported that the Prophet (peace be upon him) performed four 'Umrahs in his lifetime: 'Umrah of Hudaibiyah, one that he performed to make up for another missed 'Umrah, a third that he performed going forth from Al-Ji'rannah, and the fourth he combined with his Hajj. This was reported by Ahmad, Abu Daw'ud and Ibn Majah, with a sound chain of authorities.

### Fiqh 5.122 a: Its Legal Status

According to the Hanafi school and Malik, 'Umrah is a sunnah, as described in this hadith reported from Jabir who said, "The Prophet (peace be upon him) was once asked about 'Umrah, and whether it was obligatory (wajib), to which he replied, 'No, it is not, but it is better if you perform it."' This was reported by Ahmad and Tirmizhi who consider this a sound hadith.

The Shafi'i school, and Ahmad hold it to be obligatory (fard) in the light of the words of Allah (Qur'an 2.196) "And complete the Hajj and 'Umrah in the service of Allah." In the above verse 'Umrah is

mentioned along with Hajj, which is obligatory, which means 'Umrah must likewise be obligatory, even though the former is preferable.

The author of Fath ul 'Alam says, "On this subject no decision can be made on the basis of ahadith." Tirmizhi has reported that Ash-Shafi'i said, "There is no evidence concerning 'Umrah; it is only a supererogatory act of worship."

### Fiqh 5.122 b: Time for 'Umrah

The majority of scholars is of the opinion that 'Umrah may be performed any time during the year. Abu Hanifah, however, is of the opinion that it is disliked to perform 'Umrah on five days: the Day of 'Arafah, the Day of Nahr (the 10th of Zhul-Hijjah), and the three days of Tashriq (11th, 12th, and 13th of Zhul-Hijjah).

Abu Yusuf considers it disliked on the Day of 'Arafah, and during the three following days. All of them, however, agree on the permissibility of performing 'Umrah during the months of Hajj.

Bukhari has reported from 'Ikrimah bin Khalid that he said, "I asked Abdullah bin 'Umar about performing 'Umrah before Hajj, whereupon he said, 'There is no harm in doing so, because the Prophet (peace be upon him) himself performed 'Umrah before the Hajj.'"

Jabir reported that 'Aishah's menstruation started while she was performing Hajj, but she performed all the rites of Hajj except tawaf around Ka'bah. When her period ended and she was clean, she performed the tawaf, and said, "O Prophet of Allah! Everyone has performed Hajj and 'Umrah together, but I have performed Hajj only." Thereupon the Prophet (peace be upon him) commanded her brother Abdur Rahman to accompany her to Tan'im (in order to perform 'Umrah). So she performed 'Umrah right after Hajj in the month of Zhul-Hijjah. The best time to perform 'Umrah is during the month of Ramadan.

### Fiqh 5.123: Miqat for 'Umrah

In case a person intending to perform 'Umrah is outside the miqat fixed for Hajj, it is not permitted for him to cross these miqats (places fixed for ihram) without declaring ihram.

Bukhari has reported that Zaid bin Jubair came to Ibn 'Umar and asked him, "Wherefrom should I declare my intention to perform 'Umrah?" He replied, "The Prophet (peace be upon him) has set Qarna as the miqat for the people of Najd (from where they must declare their ihram), and similarly for the people of Madinah he set Zhul Hulaifah, and for the people of Syria AlJohfah as their miqats."

One who is already well within the confines of the miqat area--even if one is within the Sacred Precincts of Haram itself--must go out to the miqat and declare ihram from there, as is obvious from the above hadith of Bukhari which says that 'Aishah was commanded by the Prophet (peace be upon him) to go to Tan'im (the miqat) and put on her ihram for 'Umrah from there.

### Fiqh 5.123 a: Farewell Tawaf

This is called the Farewell Tawaf because by this a pilgrim bids farewell to Ka'bah, the House of Allah. It is also known as Tawaf As-Sadr (Tawaf Before Departing) because it marks the departing of pilgrims from Makkah. In this there is no jogging (ramal), and it is the last rite performed by a nonresident pilgrim in Makkah before leaving for his home. Malik has reported in Al-Muwatta that 'Umar said, "The last rite of Hajj is tawaf around the Ka'bah."

As for residents of Makkah, and the menstruating women (pilgrims), they are not obligated to perform it, nor to pay any atonement for missing it. Both Bukhari and Muslim reported from Ibn 'Abbas that he said, "A menstruating woman (pilgrim) is permitted to depart (without performing the Farewell Tawaf)." According to another report, he said: "People were ordered to make the tawafof the Ka'bah their last

rite; the menstruating women were, however, excused from it."

It is also reported by Muslim and Bukhari that Safiyah, the wife of the Prophet (peace be upon him) had her monthly period during Hajj. When the Prophet (peace be upon him) was informed about this, he said, "Is she going to hold us here (till she performs her rites of Hajj)?" He was told that she had already performed all her Hajj rites except the Farewell Tawaf. The Prophet (peace be upon him) said, "There is no harm then, (let us go)."

### Fiqh 5.124: Legal Status of Farewell Tawaf

There is agreement among the Muslim scholars that the Farewell Tawaf is prescribed by law. Both Muslim and Abu Daw'ud reported from Ibn 'Abbas that he said, "The people (pilgrims) used to leave Makkah in every other direction (and haphazardly). Thereupon the Prophet (peace be upon him) said, "Let none of you leave Makkah betore making a Tawaf around the Ka'bah, as the last of Hajj rites."

There is disagreement, however, about its legal position. Malik, Dawu'd, and Ibn Al-Munzhir say it is sunnah and by leaving it one does not incur any penalty. Ash-Shafi'i is also of this view. The Hanafi and Hanbali schools, and, according to one report, Ash-Shafi'i, hold that it is obligatory, and a pilgrim who misses it must slaughter an animal to atone for it.

### Fiqh 5.124 a: Time for Farewell Tawaf

One should perform this rite after finishing all other rites and just before leaving Makkah so that it is the last rite one performs as a pilgrim, as mentioned in the hadith given above.

After the completion of the Farewell Tawafa pilgrim must leave Makkah, without engaging in any selling or buying or staying on for long thereafter. A person engaging in any of these must repeat his Tawaf before leaving Makkah. One may, however, stop for a while in order to purchase necessary provisions.

When departing, it is recommended that one should supplicate to Allah in these words as transmitted by Ibn 'Abbas: Allahumma inni 'ahduka wa ibnu 'abdika wa ihnu 'amatika. Hamalatni 'ala ma sakhartali min khalqika wa satartanifi hiladika hatta ballaghtani-bini'matika-ilabaitika, waa'antani 'ala ada-i nusuki, fa-in kunta radita 'anni faz-dud 'anni ridan, wa illa fa-minal aana farda 'ani qabla an tan'a 'an baitika dari. Fa hazha awanu insirafi in azintali ghaira mustabdilin bika wa la bi-baitika, wa la raghibun 'anka wa la 'an baitika. Allahummafa-as-hebnil al 'afiyatafi badani wa sihatafi jismi wal 'ismata fi dini, wa ahsen munqalabi, warzuqni ta'ataka ma abqaitani, wajma' li balna khairai-dunyia wal akhirata, innaka 'ala kuli shai'in qadeer. "O Allah! I am your slave, son of your slave, son of your maid slave. You enabled me to mount what You subjected to my service of Your creation. You protected me in this land of Yours, until You, by Your grace, brought me to Your House. You helped me perform rites of Hajj. O Allah! If You are pleased with me, increase Your pleasure with me. Otherwise, grant me Your pleasure before I depart from Your House. O Allah, now is the time for me to depart, by Your leave, without changing (my attitude) toward You and Your House, nor turning away from You or Your House. O Allah, grant me health in my body, purity in my religion, bless my return, and help me to obey You until You cause me to live, and combine for me the good of this world and the world to come. You have power over all things."

Ash-Shafi'i said, "I like that when leaving the House of Allah, a pilgrim should stand by Al-Multazim, and then make the supplication mentioned in the above hadith."

### Fiqh 5.125: On Performing Hajj and 'Umrah: A Brief Summary

On approaching the miqat (the place fixed for taking on ihram), a pilgrim should trim his moustache, cut short his hair, clip his finger nails, and take a bath or make ablution, wear some perfume, and then don the ihram. He should offer a two rak'ah prayer, and then declare his or her intention to perform Hajj, or Hajj and 'Umrah, or 'Umrah only, as the case may be.

Wearing ihram and declaring intention for Hajj or 'Umrah is an essential part of both, and neither will be correct without these.

Specifying the kind of Hajj, whether it is if rad (Hajj only), tamattu ' (Hajj and 'Umrah combined with a break in between), or qiran (Hajj and 'Umrah without a break), is not essential. If someone makes an intention of performing Hajj without specifying the kind, his ihram will still be valid, and he may perform any of the three kinds of Hajj.

As soon as he enters the state of ihram a pilgrim must utter talbiyah loudly, whenever he climbs a hill or goes down a valley, meets a group or a person, early in the morning, and after every prescribed prayer.

When in a state of ihram, a person must avoid sexual intercourse and all things that lead to it; he must avoid wrangling and useless bickering, nor must he marry or join others in marriage.

A muhrim must not wear any sewn clothes or shoes that cover his feet above his ankles. He must not cover his head, nor use any perfume, nor cut his hair or nails, nor engage in hunting any game, nor cut trees or grass within the Sacred Precincts of Haram.: Repeated Performance of 'Umrah

When entering Makkah it is desirable that a pilgrim enter from its high iide. if possible. atter taking a bath at the Zhi Tawa well in Zahir. Then he should go to the Ka bah and enter the Sacred Mosque from the gate called Bab As-Salam, while uttering supplications of entry into the mosques and observing otheretiquette of entry with humility, fear, and talbiyah on his tongue.

On seeing the Ka'bah, he should raise his hands and supplicate to Allah for His bounties. Then he should directly proceed to the Black Stone, kiss it quietly or touch it with his hand and kiss the hand. If this is not possible and one cannot reach the Black Stone, one may just point toward it from a distance.

After this one should begin his tawaf around the Ka'bah supplicating in words transmitted from the Prophet (peace be upon him).

In the first three rounds it is liked that the (male) pilgrim uncover his right shoulder and jog at a slow pace. In the remaining rounds he may walk at a normal pace. It is sunnah to touch in every round the Yemeni Corner and to kiss the Black Stone. Atter completing (seven rounds of) the tawafthe pilgrim should go to the Station of Ibrahim in compliance with the command of Allah "And take the Station of Ibrahim as a place of prayer." (Qur'an 2.125) There he should pray two rak'ahs of tawaf.

Now he should go to the well of Zamzam and drink of its water as much as possible. Thereafter the pilgrim goes to Al-Multazim and stands there and supplicates for himself to Allah for whatever good he may wish for in this world and the hereafter. After this he should (if possible) go to the Black Stone, and kiss it.

Then he should approach the (hill of) Safa through the As-Safa gate to begin his Sa'i in compliance with Allah's words "Behold! Safa and Marwah are among the symbols of Allah. So if those who visit the House in the season or at other times. should compass them, it is no sin." (Qur'an 2.158) He should climb the Safa, look towards Ka'bah. and then make supplication to Allah, using one transmitted from the Prophet (peace be upon him). After this he should climb down and start walking toward the (hill of) Al-Marwah as a start of his seven round walk between the two hills, while remembering Allah and supplicating to Him.

On approaching one of the two green markers, he should jog to the second green marker. And after that he should resume his normal walking speed toward Al-Marwah. Upon reaching Al-Marwah he should climb it, turn toward Ka'bah, and make supplications and glorify Allah. This will complete his one round. Then he should make the remaining six rounds in like manner, completing all seven rounds.

This Sa'i is an essential (wajib) ritual of Hajj, and any pilgrim failing to perform it or a part of it must

slaughter an animal to atone for this omission. Finally, if he is performing a Hajj Tamattu' (Hajj with an 'Umrah with a break between the two), he should either shave olf his head or trim his hair short. This would release him of all the restrictions of the state of ihram, and all things that were prohibited to him in that state become permissible for him, including sexual intercourse with his wife.

Those who intend to perform a Hajj Ifrad (Hajj only) or Hajj Qiran (Hajj and 'Umrah together without a break) they must continue in the state of ihram. On the 8th of Zhul-Hijjah those intending to perform Hajj Tamattu' will once more resume ihram from their residences and proceed to Mina, along with those who had continued in a state of ihram, and spend the night there.

At sunrise of the 9th of Zhul-Hijjah the pilgrims leave for Arafah, and (if possible) stay by the Mosque of Namira. There they take a bath and offer Zuhr and 'Asr prayers, making Qasr (shortening the prayers) and combining them at the earliest time behind an imam. If this is not possible then one may pray alone, as best as one can, combining and shortening the two prayers.

Pilgrims' stay at Arafah begins only atter the sun has passed its zenith. During this time one should stand by the rocks (of Arafah) or as close as possible, because this is where the Prophet (peace be upon him) used to take his stand. Staying at Arafah is the principal rite of Hajj, but climbing the Mount of Mercy is neither a sunnah nor should it be attempted.

During this stay one should face the direction of Qiblah, glorify Allah and remember Him, and supplicate to Him as much as possible until nightfall.

After nightfall the pilgrims must leave for Muzdalifah, and reaching there, offer Maghrib and 'Isha prayers, combining them and offering them toward the the end of the usual time, and then spend the night there.

At dawn the pilgrims stand by Al-Mash'ar al Haram (the Sacred Monument), and remember and glorify Allah until it is broad daylight. Thereafter they should return to Mina after picking up their pebbles from Muzdalifah.

Standing by the Sacred Monument is essential (wajib), and anyone failing to do so is required to offer a sacrifice in atonement.

After the sunrise, a pilgrim must throw seven pebbles at Jamarah Al-Aqabah. Then he should slaughter his sacrificial animal, if possible, shave off or cut his hair short. This will release him frolll the restrictions of ihram. and he may engage in any normal activity except sexual intercourse with his wite.

He must then return to Makkah to perform Tawaf Al-Itadah an essential part of Hajj, and also known as Tawaf Az-Ziyarah. He should perform it in the same manner as he had earlier performed Tawaf Al-Qudum. If the pilgrim is performing Hajj Tamattu', he must perform a Sa'i after this Tawaf Al-Ifadah. For a pilgrim performing Hajj Qiran or Ifrad, this second Sa'i is not essential, if on arriving in Makkah he had performed a Tawaf Al-Qudum.

After this tawaf - Tawaf-Al-Ifadah - a pilgrim may engage in all normal lawful activities including sexual intercourse with his wife.

The pilgrim must now return to Mina and stay overnight there. This overnight stay at Mina is essential and for abandoning it one must atone by offering a sacrifice.

After midday on the 11th of Zhul-Hijjah, the pilgrim must throw pebbles at the three Jamarahs, starting with the one nearest to Mina, then the middle one, and stand for a while invoking and supplicating to Allah. Then he should go to the last Jamarah, throw pebbles at it, and leave without stopping there. A pilgrim should finish throwing pebbles at the three Jamarahs well before the sunset. On the 12th of Zhul-Hijjah he should repeat the rites of the previous day.

Having thrown the pebbles a pilgrim is free either to return to Makkah before the sunset of the 12th of Zhul-Hijjah, or spend the 13th of Zhul-Hijjah as well in Mina, and throw pebbles at the Jamarahs.

Throwing pebbles is an essential rite of Hajj and for failing to do so one must offer a sacrifice.

After returning to Makkah if the pilgrim desires to return to his home country he must perform TawafAl-Wida' or Farewell Tawaf, which is also an essential rite of Hajj. In case he is unable to perform it, and if he has not crossed the miqat, he should return to Makkah and perform it, or else sacrifice a sheep.

In short, the essential rites of Hajj and 'Umrah are: declaring ihram from miqat, tawaf, Sa'i, halq (shaving one' s hair) or qasr (or cutting one' s hair short). With these the rituals of 'Umrah are completed.

In the case of Hajj one has to perform certain additional rites. The essential rites of Hajj are spending a Day at Arafah, throwing pebbles at Jamarahs, Tawaf Al-lfadah, staying in Mina, slaughtering an animal, shaving or cutting one's hair short. This is a brief summary of all the rites of Hajj and 'Umrah.

### Fiqh 5.128: Going Back Home After the Hajj

Abu Hurairah reported that the Prophet said. "Traveling is but a sort of torture. One is prevented from (properly) eating and drinking. So when one of you (travels and) accomplishes his work, he must hasten back to his family." This is reported by Bukhari and Muslim. 'Aishah reported that the Prophet (peace be upon him) said, "When one of you has performed Hajj, he should hasten back to his family, for that will increase his reward." This was reported by Ad-Daraqutni.

Muslim has reported from Al-'Ala bin Al-Hadrami that the Prophet (peace be upon him) said, "A pilgrim from abroad may stay for three (days) after completing his Hajj."

### Fiqh 5.128 a: Al-Ihsar (Or Blockading)

Al-Ihsar (as used in the Qur'an) means blocking the path to the House of Allah. Allah says, "And complete the Hajj or 'Umrah in the service of Allah. But if you are prevented (from completing it) send an offering for sacrifice." (Qur'an 2.196)

This verse was revealed at the time of Hudaibiah when the Prophet (peace be upon him) was prevented from visiting the Sacred Mosque. By implication it means being prevented from making tawaf in the case of 'Umrah, or spending the Day at Arafah and making Tawaf Al-lfadah in the case of Hajj.

There is disagreement among the scholars, however, on what constitutes a state of prevention or blockading. Malik and Shafi'i hold that such a state refers to a blockade by an enemy, for the verse was revealed about the Prophet (peace be upon him) who was blocked from performing an 'Umrah. Ibn 'Abbas also holds a similar view.

Most scholars including the Hanafites and Ahmad, however, are of the opinion that a person is deemed blocked when he is prevented from approaching the House of Allah, by reason of an enemy force (A force of disbelievers or a rebel group) or a sickness which could worsen by motion or travel, a state of fear (and insecurity), loss of provisions, or in the case of a woman, the death of her mahram accompanying her, or any other similar cause. Ibn Mas'ud even gave a verdict that a man bitten by a snake is also considered among the prevented ones.

These scholars base their argument on the fact that the words "But if you are prevented" used in the above Qur'anic verse about the Prophet (peace be upon him) are general and are not limited to any specific cause of prevention. This is the strongest view on this subject.

### Fiqh 5.129: Prevented Person to Slaughter a Sheep or a Bigger Animal

The verse is quite clear in that a prevented person may slaughter any animal he is able to afford. Ibn 'Abbas reported that when the Prophet (peace be upon him) was prevented from performing 'Umrah (by the Quraish) he shaved his head, consorted with his wives, and slaughtered his animal. The next year he performed an 'Umrah to make up for the year that he had missed. This was reported by Bukhari. The majority of scholars in light of this hadith hold the view that a prevented person must slaughter a sheep, a cow or a camel. Malik, however, differs with this opinion and says slaughtering an animal is not essential.

The author of Fath ul 'Alam remarks, "Malik is right in his opinion, because all the Companions of the Prophet (peace be upon him) who were prevented with him (at Hudaibiyah) did not have animals with them to slaughter after they were unable to perform 'Umrah. The Prophet (peace be upon him) slaughtered his animal which he had brought along with him from Madinah." There is no implication of any obligation in the verse. Rather, it is the Prophet (peace be upon him) who is referred to in the Qur'anic verse (48.25): "They are the ones who denied revelation and hindered you from the Sacred Mosque and sacrificial animals."

## Fiqh 5.130: Place for Slaughtering the Prevented Animals

The author of Fath ul 'Alam says: ' The scholars disagree concerning the place of slaughter on the Day of Hudaibiah whether it was within or outside the Sacred Precincts of Haram. Apparently the words of Allah "and they hindered you from the Sacred Mosque and sacrificial animals" suggest that the animals were slaughtered outside the Sacred Precincts of Haram. There are various views concerning this. One view - the majority view - is that a prevented person may slaughter his sacrificial animal within or outside the Sacred Precincts of Haram. Another view, the view of the Hanafi School is that he must slaughter it within the Sacred Precincts of Haram. A third view, the view of Ibn 'Abbas and a group of scholars, is that if a prevented person is in a position to send his sacrificial animal to the Precincts of Haram he must slaughter it there, and only then terminate his ihram. If this is not possible then he may slaughter it at the place where he is prevented.

## Fiqh 5.130 a: A Prevented Person Not Required to Repeat His Hajj Except the Obligatory Hajj

Commenting on the Qur'anic verse "But if you are prevented (from completing it) send an offering for sacrifice," Ibn 'Abbas said, "If one intended to perform either Hajj or 'Umrah, but was prevented from approaching the House of Allah, then he must slaughter whatever animal he can afford, a sheep or a larger animal."

If a person intended to perform the obligatory Hajj (and he was prevented), he must make it up later, but if he was intending a supererogatory Hajj, he does not have to make up for it.

Malik said that he was told that the Prophet (peace be upon him) and his Companions came to Hudaibiah, and there they slaughtered their animals, shaved their heads, terminated their ihram, and resumed their normal course of life, without having first made Tawaf of Ka'bah or without the sacrificial animals reaching the Ka'bah.

Likewise there is no record, according to Bukhari, that the Prophet (peace be upon him) ordered his Companions to make up for their (missed) 'Umrah or return to the Sacred Mosque to repeat it, although Hudaibiah is outside the Sacred Precincts of Haram.

Ash-Shafi'i holds that a prevented person may slaughter his sacrificial animal at the place he is stopped and terminate his ihram and resume his norrnal life. He is not required to make up for what he missed, because Allah has not mentioned any such thing.

Ash-Shafi'i adds, "For we know from the recorded reports that some of the people who were with the Prophet (peace be upon him) at the time of Hudaibiah did not return the next year to make up for their missed 'Umrah.

They were not forced to stay back for any excuse, sickness or worldly business. If making up for the 'Umrah were essential the Prophet (peace be upon him) would have certainly commanded them to join him and not to stay back."

Continuing, he further says, "This 'Umrah was called the "'Umrah tul Qada (or 'Umrah performed in order to make up for the missed 'Umrah)" because of the the dispute between the Prophet (peace be upon him) and the Quraish, and not because it was essential (wajib) and had to be made up later by another 'Umrah."

### Fiqh 5.131: A Muhrim Terminating Ihram Because of Illness or Some Other Reason

Many scholars hold it to be permissible for one to set a condition when entering the state of ihram that one will be relieved of it if one fell ill. Muslim has reported from Ibn 'Abbas that the Prophet (peace be upon him) told Daba'ah, "Perform Hajj but set a condition that you shall be relieved of the ihram whenever you are prevented (due to illness, etc.,)."

In such a case if a pilgrim is prevented from performing Hajj or 'Umrah for any reason, illness or something else, he may terminate his state of ihram and not be required to slaughter any animal, or fast in atonement.

### Fiqh 5.131 a: Covering of the Ka'bah

In the pre-Islamic period the Arabs used to cover the Ka'bah with a cloth covering. When Islam prevailed it retained this tradition. Al-Waqidi has stated that Isma'il bin Ibrahim bin Abu Habibah reported from his father that in the Days of Ignorance the Ka'bah was covered with rugs made of red skin. Later on the Prophet (peace be upon him) covered it with Yemeni cloth, while 'Umar and 'Uthman covered it with an Egyptian white cloth, Qabati. Hajjaj covered it with silk brocade. The first one to cover it was a man from Tubba' of Yemen called As'ad al-Himairi.

Ibn 'Umar used to choose the best and most expensive Qabati, Egyptian cloth, and send it as covering for the Ka'bah. This is reported by Malik.

Al-Waqidi has also reported from Ishaq bin Abu Abd bin Abu Ja'far Mohammad bin Ali that he said, "The people used to send cloth coverings for the Ka'bah, and likewise they sent to it sacrificial camels loaded with Yemeni cloth."

Yazid bin Mu'awiyah covered it in silk brocade, and so did Ibn Az-Zubair afterwards. He used to delegate Mus'ab bin Az-Zubair to send a covering for the Ka'bah which was changed on 'Ashura (the 10th of Muharram).

Sa'id bin Mansur has reported that "Umar bin Al-Khattab used to take down the old cover of Ka'bah, every year, cut it into pieces, and distribute them among the pilgrims who used them as shelter from the heat of Makkah.

### Fiqh 5.132: Perfuming the Ka'bah

Aishah said, "Perfume the Ka'bah, because this is a part of purifying it." Ibn Az-Zubair used to perfume the entire interior of the Ka'bah. He used to burn one pound of incense in the Ka'bah daily, but on Friday, he burnt two pounds of incense.

### Fiqh 5.132 a: Prohibition of Profane Acts in Haram

Allah says in the Qur'an (22.25): "And any whose purpose therein is profanity or wrongdoing, them will We cause to taste of a most grievous penalty." Abu Daw'ud reported from Musa bin Bazhan that he said, "I went to Ya'la bin Amayyah, who said, 'the Prophet (peace be upon him) said, "Hoarding food in

the Sacred Mosque is committing an act of profanity." Bukhari in his At-Tarikh Al-Kabir reported from 'Umar that he said, "Hoarding food is a profane act."

Ahmad reported that Ibn 'Umar came to Ibn Az-Zubair who was sitting in Al-Hijr (The area attached to Ka'bah and also called Hijr Isma'il) and said, "O Ibn Az-Zubair! Be mindful of acts of profanity while in the Haram of Allah! I bear witness that I heard the Messenger of Allah (peace be upon him), saying, 'A man of Quraish shall violate its sanctity."' The words of another report are "a man from the Quraish will commit acts of profanity in it. His sins will be equivalent to the sins of humans and Jinns combined, if weighed against them. Be mindful that you are not that man."

Mujahid said that good deeds multiply (many fold) in Makkah as do the sins. Ahmad was once asked, "Are the sins recorded more than once?" He replied, "No, except in Makkah because of the sanctity of that city."

## Fiqh 5.132 b: Invasion of Ka'bah

Bukhari and Muslim reported from 'Aishah that the Prophet (peace be upon him) said, "An army will attack the Ka'bah. When they reach a desert they will all be caused to be swallowed up by the earth, to the last man." 'Aishah asked, "O Messenger of Allah, how is that, because among them there may be some pious and good people and others who are not with them?" The Prophet (peace be upon him) said. "They will all be swallowed up by the earth, but then they will be restored to life (on the Judgment Day) according to their intentions."

## Fiqh 5.132 c: Traveling to Three Mosques

Sa'id bin Al-Musayyib reported from Abu Hurairah that the Prophet (peace be upon him) said, "You should not undertake a special journey to visit any place other than the three Mosques: the Sacred Mosque of Makkah, this mosque of mine, and Al-Aqsa Mosque (of Jerusalem)." This is reported by Bukhari, Muslim, and Abu Daw'ud. In another natration the words are "For three mosques a special journey may be undertaken: The Sacred Mosque (Ka'bah), my mosque, and the mosque of Al-Quds (Jerusalem)."

Abu Zharr reported that he asked the Prophet (peace be upon him), "O Prophet of Allah, which mosque was built first on earth?" The Prophet (peace be upon him) replied, "The Sacred Mosque of Makkah." Abu Zharr again asked, "Which was next?" The Prophet (peace be upon him) said, "The Al-Aqsa Mosque." "How long was the period between them?" Abu Zharr asked. The Prophet (peace be upon him) said, "Forty years. Apart from these, offer your prayers anywhere when it is time to pray, although excellence is in praying in these mosques."

Traveling to these three mosques is prescribed because of their special position in Islam. Jabir reported that the Prophet (peace be upon him) said, "One prayer in this mosque of mine is better than 1,000 prayers offered anywhere else except the Sacred Mosque, and one prayer in the Sacred Mosque is better than a hundred thousand prayers in any other mosque." This was reported by Ahmad with a sound chain of authorities.

Anas bin Malik reported that the Prophet (peace be upon him) said, "Whoever prays forty prayers consecutively in my mosque without missing any of the obligatory prayer, he will be removed from Hell, from punishment, and from hypocrisy." This was reported by Ahmad and At-Tabarani with a sound chain. We read in various ahadith that a prayer offered in the AlAqsa mosque is five hundred times superior (in reward) to one offered in any other mosque, except the Sacred Mosque and the Mosque of the Prophet (in Madinah).

## Fiqh 5.133: Etiquette of Visiting the Prophet's Mosque and Grave

1 It is recommended that one should approach the Prophet's Mosque calmly and with composure. One should wear perfume, put on a nice clean dress and enter the mosque with the right foot, and say,

A'uzhu billahil 'azeem wa bi-wajhihil kareem wa sultanihil qadeem minashaitanir rajeem. Bismillah, Allahumma salli 'ala Muhammadin wa aalihi wa sallam, Allahummaghfir li zunubi waftah li abwaba rahmatika. "I seek refuge with Allah the Supreme with His Noble Face and with His Eternal Dominion from the accursed devil. In the Name of Allah O Allah! Bless Mohammad his family and his followers. O Allah! Forgive my sins and open doors of Your mercy for me."

2 It is also recommended to go first to the raudah (According to a hadith raudah (literally, a garden) is the space in the Prophet's mosque between his grave and his pulpit. As is stated in the hadith below. The Prophet (peace be upon him) died in his house, and that is where he was buried) and offer there two rak'ahs as greetings to the Mosque with calm and humility.

3 After this one should head toward the grave of the Prophet (peace be upon him) face it, and with the back to the Qiblah, give greetings of peace to the Prophet (peace be upon him), saying: Assalamu 'alaika ya rasulallah. Assalamu 'alaika ya nabiyallah. Assalamu 'alaika ya khiyrata khalqillah min khalqihi. Assalamu 'alaika ya khaira khalqillah. Assalamu 'alaika ya habiballah. Assalamu 'alaika ya sayyidil mursaleen. Assalamu 'alaika ya rasullallah rabal 'alameen. Assalamu 'alaika ya qa 'idal ghirril muhajjaleen. Ash-hadu alla-ilaha illallah, wa ash-hadu annaka 'abduhu wa rasuluhu wa ameen uhu wa khiyratuhu min khcllyihi, wa ash-hadu annaka qad ballaghtar rasalata wa addaital amanata wa nasahtal ummata wa jahdta fillahi haqa jihadihi. "Peace be on you, O the Messenger of Allah. Peace be on you, O, the Prophet of Allah. Peace be on you, O, the chosen one of Allah's creation. Peace be on you, O, the beloved one of Allah. Peace be on you, O, the Chief of the Messengers of (Allah). Peace be on you, O, the Messenger of the Lord of the universe. Peace be on you, O, the Chief of the unique generation. I bear witness that there is no God but Allah, and I bear witness that you are His slave, messenger, trustee, and the chosen one of His creation. I bear witness that you indeed delivered the message (of Allah). discharged your trust, counseled the Muslim community, and strove hard tor the cause of Allah."

4 Now moving about a yard to the right, the visitor should offer his greetings to Abu Baker As-Siddiq, and then moving further another yard in the same direction, offer greetings to 'Umar bin Al-Khattab.

5 Then facing the direction of Qiblah the visitor should supplicate for himself, his family, friends, relatives, and the rest of the Muslims, and then leave.

6 A visitor should not raise his voice more than needed to hear himself. The people in charge should prevent others from raising their voices gently and politely.

It is reported that 'Umar bin Al-Khattab saw two men raising their voices in the Mosque of the Prophet (peace be upon him). At this he told them, "Had I known that you are from this city, I would have punished you."

7 Avoid wiping hands on the chamber (i.e., the grave of the Prophet), or kissing it. The Prophet (peace be upon him) has forbidden all such things.

Abu Daw'ud reported from Abu Hurairah that the Prophet (peace be upon him) said, "Do not turn your houses into graves, nor make my grave a place of festivity. Send your greetings upon me, for your greetings are conveyed to me wherever you are." Abdullah bin Hasan saw a man frequenting the grave of the Prophet (peace be upon him) and making supplications there. Thereupon he told him, O, so and so, the Prophet (peace be upon him) has said, 'Do not make my grave a place of festivity. but send your greetings upon me from wherever you happen to be, for your greetings are conveyed to me.' (In this respect) there is no difference between you and a man from (a distant country like) Andalusia."

## Fiqh 5.135: Excellence of Prayers in Raudah

Bukhari reported from Abu Hurairah that the Prophet (peace be upon him) said, "The space between my house and my pulpit is (raudah) one of the gardens of Paradise, and my pulpit is at my Fountain."

## Fiqh 5.135 a: Offering Prayers in the Mosque of Quba

The Prophet (peace be upon him) used to go there, riding or on foot, every Saturday and offer a two rak'ah prayer. He advised others to do the same, saying, "Whoever makes ablutions at home and then goes and prays in the Mosque of Quba, he will have a reward like that of an 'Umrah." This was reported by Ahmad, Nasa'i, Ibn Majah, and Al-Hakim, who says it has a sound chain of narration.

## Fiqh 5.135 b: Excellence of Madinah

Abu Hurairah reported that the Prophet (peace be upon him) said, "Verily, belief returns and comes back to Madinah as a snake returns and comes back to its hole (when in danger)."

At-Tabarani has reported from Abu Hurairah that the Prophet (peace be upon him) said, "Madinah is the dome of Islam, the abode of faith, the land of migration, and the dwelling place of what is lawful and unlawful."

'Umar reported that when things became very dear in Madinah and the people suffered hardship, the Prophet (peace be upon him) said (to the people), "Be patient (and of good cheer) and receive the happy news. I have blessed your measures, your Sa' and Mudd. So eat in groups together. One person's food shall be sufficient for two; two people' s for five; and food for four people shall be sufficient for five and six people. The blessings are upon the community. He who perseveres and is patient in its (i.e., of Madinah) times of hardship and difficulty, I shall be an intercessor and a witness for him on the Day of Judgement. And he who leaves it (i.e., Madinah) disliking what is therein (of hardships), Allah will replace him with someone better than him. Whoever intends evil against it, Allah will cause him to be dissolved (destroyed) like the salt is dissolved in water." This was reported by Bazzar with a sound chain of narration.

## Fiqh 5.136: Excellence of Death in Madinah

At-Tabarani has reported with a sound chain of narration from a woman of Thaqif that the Prophet (peace be upon him) said, "He amongst you who is able to stay until death in Madinah must do so, as I shall be a witness or an intercessor for him on the Day of Judgement."

That is why 'Umar prayed to Allah to cause him to die in Madinah. Bukhari reported from Zaid bin Aslam, and he from his father that 'Umar said, "O Allah! Grant me martyrdom in Your cause, and cause me to die in the sanctuary of Your Prophet (peace be upon him)."

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